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THE CHAMPIONS

OF

Agrarian Socialism.

A Refutation of

EMILE DE LAVELEYE AND HENRY GEORGE

BY

REV. VICTOR CATHREIN, S. J.

TRANSLATED, REVISED AND ENLARGED

BY

REV. J. U. HEINZLE, S. J.,
President of Canisius College, Buffalo, N. Y.

BUFFALO:
PETER PAUL & BRO., PUBLISHERS AND BOOKSELLERS.
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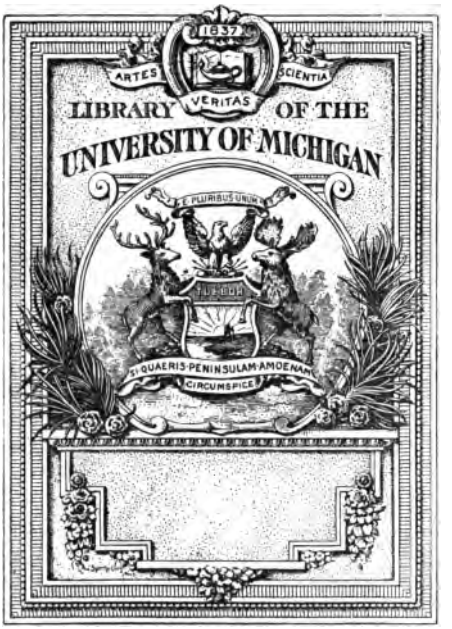
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PREFACE.

The present treatise is a refutation of Agrarian Socialism from an historical, politico-economical, and ethical standpoint. In it two series of articles by the Rev. Victor Cathrein, S. J., a translation of which appeared in the New York Freeman's Journal from February 18th to April 28th, 1888, are blended together. The articles against M. de Laveleye, the author of "Primitive Property," were published in the *Stimmen aus Maria-Laach* in 1882, those against Mr. Henry George in 1887. An English translation of Father Cathrein's papers seemed to be an interesting and useful addition to the literature already existing in the English tongue on the controversy of land ownership.

The author has shown his talent, as well as his accurate and profound knowledge, in many a valuable contribution to the *Stimmen* and his articles on the land question are a new proof of his ability in treating social, political, and ethical problems.

The *Stimmen aus Maria-Laach* (Echoes from Maria-Laach) is published by the German Fathers of the Society of Jesus, and has now reached its thirty-fifth volume. It is one of the most esteemed magazines in Germany. Its name is taken from the charming spot, in the Rhine-land, where it was founded in 1871, when the Fathers had their large House of Studies in the once celebrated Benedictine Abbey on the banks of the lake of Laach. Since their expulsion in 1872, the editorial staff has been in Holland.

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Besides the regular issues, there appear, from time to time, supplementary brochures, in which questions of general importance and interest, literary or historical, scientific or philosophical, are more fully treated; for example: Lessing's Religious Development; The Biblical Account of Creation; Longfellow's Poems; Contributions to the History and the Reform of Poor Relief; Wages and Money Value in the Middle Ages; The Divina Comedia and its Poet, Dante Allighieri; The English Martyrs under Henry VIII.; The English Martyrs under Elisabeth.

Of the forty two supplements hitherto published, the following are from the pen of Father Cathrein: The English Constitution; The Province of State-Power and its Limits; Ethics of Darwinism.

In this edition of his essays on landed property some changes have been made with the kind permission of the author. A few passages which were calculated only for the time of the first publication, have been dropped; several quotations which were abbreviated before, have been given in full; finally some passages, containing chiefly references, which seemed to be much to the purpose, and of special interest for American and English readers, have been added. As these changes were made with the author's approbation, it was not deemed necessary to point them out in detail.

In conclusion, there remains for me to express my sincerest thanks to friends who rendered me substantial aid in making the excellent articles of Father Cathrein accessible to the English speaking public.

J. U. HEINZLE, S. J.

CANISIUS COLLEGE, BUFFALO, N. Y.
December 15th, 1888.

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CHAPTER I.

M. EMILE DE LAVELEYE AND HIS METHOD.

The extent of a man's possessions determines, in a great measure, his position in society. Property is the avenue to every enjoyment, nay, it is the necessary condition of education and refinement. No advance can be made in culture and civilization except through the comfortable affluence of at least a portion of society. No wonder, therefore, that the struggle for the possession of the earth, for the mine and the thine—the very pith and marrow of the social question—is as old as the history of mankind.

In truth, to find the first instance of this strife, we must go back to the shepherds of Abraham and of Lot. But the dispute has not always been so amicably settled. All the land to the right and to the left was soon occupied. Hence the battle had to be fought anew on the very ground on which the contending parties stood. The contest often became one of life and death, and was ended only for a time by bloodshed, by human slaughter, and the oppression of the weaker.

And here may be stated the indisputable fact, that this battle for the possession of the earth raged most fiercely whenever with the advancement of material culture the religious spirit had most degenerated. Such was the case in cultured Greece and in warlike Rome. How intimately the wane of religion is connected with the social strife of classes, may be more

especially gathered from the fact that false "humanism"and the "Reformation" were followed by the War of the Peasants, just as the cynicism of the "Encyclopedists" was succeeded by the great social revolution in 1789.

But at no time has material culture reached a higher pitch; while religious belief has never fallen to a lower level than to-day. Hence we need not be astonished that the contest about ownership has now assumed unprecedented proportions. It no longer confines itself to this or that kind of property—to this or that class of people. Society, as a whole, has been drawn into the contest, and the entire range of property is involved in the dispute.

Besides, it must be observed that the battle has long since been extended to the domain of speculation. There it is waged with as much fierceness as on the field of daily life or in the province of politics. In fact, the great ranks of the "disinherited" are signally aided by the acquisition of numerous defenders from outside their own lists, who, more or less, sympathize with their socialistic tendencies and second their efforts both by the authority of their name and by the resources of their mind.

Especially in the case of landed property, socialists may boast of having found well-nigh unconditional adherents among men of science, such as J. C. Rodbertus and A. Samter in Germany, John Stuart Mill and Herbert Spencer in England, and others. All these scholars espouse the socialistic principle that the soil is by its very nature intended for the common possession of society at large, and is, therefore, destined to be reduced, sooner or later, to this collective possession. Hence they have been justly styled

Agrarian Socialists. Their programme is the complete abolition of private property in land and the substitution of the State as the sole owner of the soil.

No one, however, among European writers deserves the name of Agrarian Socialist more truly and has more earnestly insisted in his demand that all landed property should be socialized, than the professor of political economy in the University of Liege, Emile de Laveleye. This scholar assails private ownership in land particularly from an *historical standpoint.* He endeavors to prove that *everywhere and in all nations* only collective possession of land (communal property) existed in primitive times, and that individual ownership was developed rather late and by degrees. This development, he says, was brought about mostly through cunning and deceit, till at length collective possession was almost entirely done away with. To support this theory, M. de Laveleye, besides several minor publications, has devoted his larger work—*De la propriété et de ses formes primitives*?[1] We may look upon his book as a fair specimen of its kind, and, with it as a guide, examine the question of landed property from an historical point of view.

Writers of the most different creeds and schools have pronounced M. de Laveleye's book to be a work that not only merits consideration, but one that marks an epoch. It was, therefore, with anxious expectation that we examined its pages. According to our previous notion of an historical research, we expected the writer to introduce his readers to those nations of which we possess the most ancient historical monuments, especially to the Hebrews, Egyptians, Assyrians,

1 Paris 1877. Second edition. In this treatise the English edition of 1878, entitled "Primitive Property," is referred to.

Babylonians, and Phœnicians; and only from these, we thought, he would pass on to other nations. But we were disappointed. The ancient Oriental races, among whom we are wont to place the cradle of the human family, are either not mentioned at all, or only glanced at in passing. The reader may ask, how is it possible, nevertheless, to put forward the *historical* proof that with *all* peoples there existed originally only collective ownership in the soil. The answer is very simple. The learned professor shows us how to go about the task.

To understand his course of reasoning, we must call to mind a theory regarded in liberal circles as a positive result of modern science. According to this theory, the human race has everywhere worked its way from semi-bestial savagery to its present state of civilization. Liberal science is even able to describe to us pretty accurately the different phases that man had to pass through until his development, according to our ideas nowadays, had become commensurate with his dignity.

Accordingly, in the development of man three principal periods are to be distinguished.

In the first period all men are supposed to be *hunters*, roving in wild hordes through forests and over plains, and living on the booty of the chase, be it on their fellow-men or on the beasts of the field. In this lowest stage there is, of course, no question of individual property, since men think only of the momentary satisfaction of their sensual appetites, and do not even dream of appropriating anything for their own permanent and exclusive use.

In the next stage we behold them as *herdsmen*, leading nomadic lives and driving their herds to such

regions as abound in rich pastures. As the seasons change, they strike their tents and move elsewhere. At this second period, private ownership in land cannot as yet exist; however, individual proprietorship in *chattels*, and especially in herds, is steadily developing.

But gradually, either because they can no longer find free pastures on account of the increasing population, or because they have grown weary of a life of perpetual wandering, the tribes begin to form permanent settlements and *to cultivate the soil.* But even in this third stage they are at first unacquainted with individual ownership in land, for the tribe, as a community, takes possession of the surrounding district. Imperceptibly, however, the stronger members of the settlement, through violence and cunning, succeed in acquiring greater claims to the common property, and eventually appropriate whole tracts of land to the exclusion of others. At length, though comparatively very late, things are brought to such a pass that nearly all former common property, is swallowed up by private ownership, and a vast multitude of people is debarred, contrary to all natural right, from any share in the ownership of land. Such is the stage we have now attained.

To-day this theory is advocated not merely by students of nature. It is held as an undisputed truth by many political economists. For example, it is maintained by von Schæffle,[1] Samter,[2] M. Wirth,[3] and many others. M. de Laveleye also lays it down as the

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1 *Bau und Leben des socialen Koerpers.* Bd. III. S. 15 und 404.
2 *Das Eigenthum in seiner socialen Bedeutung.* Jena 1875, S. 78.
3 *Grundzuege der Nationalœkonomie.* Koeln 1871. Bd. I. S. 7 und 8.

basis of his disquisition. However, we must confess that he puts it forth with great moderation, tacitly presupposing, or merely suggesting, rather than formally developing it. Yet at the very outset he declares that science "has established the opinion that the human race has everywhere passed through a state of civilization, or rather, perhaps, of barbarism, an image of which is presented to us, even now, in the life of the natives of New Zealand and Australia."[1] Then follows a brief exposition of the origin of property in the manner above indicated.

This is not the place for a formal refutation of the theory of man's evolution, nor is a formal refutation needed. That theory relegates to the myths of antiquity the primitive history of mankind as given in Genesis. But thus we are placed at once outside of Christianity, and, every clue to the original condition of man being lost, the freest scope is given to the imagination.[2]

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1 *Primitive Property*, p. 1.

2 As an example of what conclusions are arrived at by scientists under the guidance of the imagination, may serve the view held by Sir John Lubbock and others with regard to matrimonial union. These gentlemen take us back to the savage hordes of primitive times and introduce us not only to a community of goods but to a community of wives. They tell us that it was only gradually that men succeeded in acquiring mates for themselves in severalty. A few months ago, March 6th, 1888, at the annual meeting of the Anthropological Society of Washington, the retiring president, Maj. J. W. Powell, said in his address on "Evolution in Civilized Man": "It seems at first that men in groups agree to marry women in groups. A group of men holding a group of women in common, defend one another's rights from violation from without, and live together in peace." Such fictions of the modern brain, laboring both day and night under dreams of evolution, are nowadays styled SCIENCE *par excellence*, and men endowed with particular productiveness in this line lay special claim to the title of *philosophers*, that is, *lovers of wisdom!*

However, since the theory of evolution is the basis on which M. de Laveleye and many others establish their doctrine on land ownership, we may be allowed to make a few remarks in illustration of evolutionary tactics. Where proofs are wanting, boldness and persistency of asserting take their place: such is the favorite stratagem of evolutionists. To support the theory of evolution, repeated efforts have been made to show that even to our days several tribes have retained "for our instruction" the once general state of semi-bestial barbarism. Thus, if we are to believe a recent statement made by a scientist of Bonn: "In southern Asia and eastern Africa there are men who live together in hordes, who are in the habit of climbing trees and who subsist on fruits and are not acquainted with fire. They use sticks and stones as their only weapons, much after the fashion of the more advanced monkeys." To this assertion we answer in the words of Mr. Peschel, certainly an unbiassed authority: "Tribes or hordes of men who live in a state not unlike that of monkeys, have never yet been met with by any trustworthy traveller of modern times. On the contrary, those very tribes which, according to the first superficial description of them, had been classed far below our standard of civilization, were afterwards found, on better information, to be considerably nearer to civilized nations. In fact, that portion of the human race has yet to be discovered which does not possess a language with certain laws and a more or less abundant store of words, a race which does not employ weapons, artificially sharpened, or to which, in fine, the use of fire is unknown."[1]

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1 Peschel, *Voelkerkunde.* Leipzig 1875. S. 139.

It is to these same tactics of evolutionists that the monster-error of man's descent from the brute owes its all but universal ascendency in the scientific world. Not long ago we read in one of the most widely spread American reviews that "it has been clearly established by evolutionists that man, like the domestic animal, descended through geological periods in which he had no mentality above instinct. Before he showed mental activity, man, according to the best and now agreed authorities, led by Cope, was an anthropoid ape, and before that an anthropoid lemur."[1]

Now, what has science really proved in favor of the "bestial" pedigree of human kind? Nothing whatever. And to substantiate this statement, we can appeal to one of the greatest scientific authorities now living, Dr. Virchow, of Berlin, who, in his address on "Transformism," delivered before the Sixtieth Congress of German Scientists and Physicians in Wiesbaden (18th-24th September, 1887), gave utterance to his views as follows:

"Practical anthropology begins only with the quaternary or diluvial epoch, from which parts of skulls and skeletons are preserved. . . . But what do these remains teach us? Do they show us man in a lower stage of bodily development elsewhere unknown? . . . Fanatics themselves were contented when they could approximate these skulls to the type of the Australians or Fuegians, or even of the Batavus genuinus, *i. e.*, of an old Frieslander.

"The distance of this position from what had been expected is very great indeed. An Australian may have many defects or excess-formations which give

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1 *North American Review*, November 1887, p. 522.

him a somewhat brutal appearance. Formerly this property was called bestial; recently it has been deemed better, in the interest of the theory of descent, to call it pithecoid. But bestial and pithecoid though he be, the Australian is neither a monkey nor a pro-anthropos. On the contrary, he is a true man; and if our ancestors, perhaps, were once like him—which, by the way, is doubtful—all the same, this would be quite irrelevant to the theory of descent. Fuegians have of late come among us, and we have had a chance to study their case. Brains of this tribe have been examined with all conceivable care, and the result is that our present methods are not sufficient to ascertain any fundamental difference between their brains and the brains of Europeans. The fact that they are savages or barbarians must not prevent us from acknowledging their purely human *habitus*.

"But enough. The organization of diluvial man, as far as we know anything about him, was not below that of the savages of the present day. After seeing of late years both Esquimaux and Bushmen, Araucanians and Kirghises here in Europe, after receiving specimens of skulls from all those races that had been classed as the very lowest, it is now out of question to consider any savage tribe of to-day as an intermediate link between man and brute. Nor has any difference been shown, that could be taken as an indication of even a distinct species of men.

"Hence I declared, several years ago, in the Anthropological Congress, that practical material has not yet been found for an inquiry into the pro-anthropos and the possible pithecoid intermediate links."

The weight of Professor Virchow's statements (for

which, as the reader will have remarked in the quotation, he gives his reasons—and decisive ones) is the greater in this matter, as he is far from being an enemy of the theory of evolution. At the end of his address he says: "I have spoken as a friend, not as an enemy of Transformism, as I have always dealt with the immortal Darwin in a friendly, not in an adverse manner. However, I have at all times made a distinction between friend and follower. I can gladly hail a scientific hypothesis, and even support it before it is proved by facts, but I cannot adhere to it so long as sufficient proofs are wanting."[1]

But let us now return to M. de Laveleye and see how he applies the theory of man's evolution to show that, in primitive times, only collective land ownership existed in *all* nations. If the theory be true, it necessarily follows that, in order to get a knowledge of the early state of mankind, we must turn to those peoples who are still lingering in the lowest stage of evolution, and are, consequently, bordering on the

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1 Tageblatt der 60. Versammlung Deutscher Naturforscher und Aerzte in Wiesbaden vom 18. bis 24. September, 1887. S. 141 und 143. Notwithstanding this overwhelming authority, the great bulk of evolutionists and would-be scientists will, in all likelihood, still cling to their fanciful theory and continue to assert, and preach, *the great dogma of man's descent from the brute.* Ere long, perhaps, they will advocate as a consequence of their doctrine the admission of animals, especially of the more amiable ones, into the human family. An unutterably silly article in the *North American Review*, for March, 1888 —beginning with, "Miss Kittie [the cat] is a favorite member of our family"—seems to forecast this new phase of evolution.

Remarkable as is Dr. Virchow's address at the congress of Wiesbaden, in which 1,797 German scientists and physicians took part, no scientific journal in the English tongue, as far as we could ascertain, has taken notice of his utterances. Such silence is quite in keeping with evolutionary tactics.

brute kingdom. Whatever we chance to find among them must have existed formerly in every nation when it was as yet in a like stage of development. Now, the Belgian professor endeavors to prove in his book that only collective land ownership is found among races that have made the least advance in civilized life, or in which, as he shrewdly expresses himself, "certain institutions of primitive times have been perpetuated till our own times."[1]

To confirm his assertion, he first transports us to the Ural, and bids us admire the Russian *mir*, or village communities, with their possession of the soil in common. Then he brings us to the village communities in Java and India, and to the *allmends* of Switzerland. Next comes a description of the Teutonic *mark*, and after a few pages on the Irish Celts, an account of the agrarian communities of the Arabs. In passing we hear something about the Mexicans and various Indian tribes of North and South America, moreover about the Britons, the Afghans, the Scandinavians, and the Danes. Finally we reach the Golden Age of Antiquity and become acquainted with the property holding in Greece and at Rome. But as we have already observed, the ancient Oriental peoples are either scarcely alluded to or are passed over in utter silence.[2] The Holy Scripture, if for no other reason than its great antiquity, should have been taken into account at least as a merely historical document. But it is ignored with sovereign contempt. At the same time the picture of the advantages accruing to collective land ownership is made so attractive and bewitching, that we become quite

1 *Primitive Property*, p. 6.

2 The only exception is China to which an entire page is devoted in the chapter, "History of Landed Property in England and China."

incensed with the originators of individual property, and are led to say within ourselves: "Truly, we civilized Europeans deserve to be reproached with utter stupidity for having allowed ourselves to be thus cheated out of joint proprietorship."

Yet, how charming soever all this may sound, we are unable to discover in it any historical proof for the primitive existence of common property in *all* nations. M. de Laveleye's exposition would have weight only on the supposition that the above theory of evolution was admissible. But as such a theory is untenable, the whole superstructure falls to the ground. Hence, were we even to admit everything he tells us about the forms of proprietorship in Russia, Java, among the ancient Germans, in the Swiss Alps, etc., the historical proof for the early existence of an exclusively collective land ownership among all nations would still be lacking.

But we cannot place implicit confidence in the historical expositions of the Belgian professor. We would not, of course, accuse him of having intentionally falsified or misrepresented historical facts. Still, we may safely say that he did not enter upon his study with an unbiassed mind: he *sought* in history for a confirmation of his own preconceived ideas. We will show how he acted thus in the case of the Russians and Teutons, for example, the two most important nations at present under consideration.

CHAPTER II.

PROPERTY HOLDING AMONG THE RUSSIANS AND ANCIENT TEUTONS.

In Russia, since the abolition of serfage (1861), the land situated around the villages belongs, at least in part, to the community of the village at large, or to the *mir*. Each male inhabitant of the village on attaining his majority is entitled to an equal share in the land owned by the *mir*.[1] Up to the time of the emancipation, both land and men belonged to the nobility. Yet, with the exception of socage-labor and the tributes due to their lords, the peasants were left comparatively free in the management of their own affairs. A custom, however, or rather a law of long standing among them, required that at certain periods, especially on the occasion of a census, landed property should again be equally divided among all the male members of the *mir*. The last distribution took place in 1857, and it is well known, as M. de Laveleye himself allows, that the peasants for the most part consented to the division with reluctance.

Now many, particularly the adherents of the so-called patriotic party, are of opinion that the Russian village

1 A sketch of the Russian emancipation of peasants, is given by M. F. Le Play, *Les Ouvriers Européens*, 2d ed., vol. II., *Épilogue de 1887*, pp. 536-541. The first five *Monographies* contained in the same volume treat of the Russian family organizations in various parts of the empire from the author's own observations. See also Chas. Périn, *De la Richesse dans les sociétés chrétiennes*, vol. I, appendix III, where an extract of Haxthausen's description of the Russian *mir* may be found.

community with its common property was the original state of the Russian nation, and even of the whole Slavonic race. From the time of the Baron von Haxthausen this view held undisputed sway for a long time in Western Europe. But of late years it has been abandoned by many, and several Russian scholars, especially Tschitscherine[1] and Bistram have even given a detailed refutation of it in various treatises. The question, it would seem, has not yet received a satisfactory solution, as the earliest history of Russia is still shrouded in obscurity. However, the striking, and, according to the oldest historical documents, the well-established fact that in the earliest times the peasants possessed the right of freely emigrating, and of freely making contracts with regard to their landed property, militates strongly against Haxthausen's opinion. For this fact would be almost inexplicable, if originally the whole landed property of the village had been the common possession of a family or a tribe, and consequently had been, as it were, identified with them.

But all this does not in the least deter M. de Laveleye from unconditionally endorsing Haxthausen's opinion and unceremoniously rejecting the opposite theory. On what grounds does he do so? Certainly not on historical grounds (for he advances none whatever), but merely on *a priori deductions*. It cannot be explained, he thinks, how common property and its periodical distribution among individuals could

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1 Compare Guerrier and Tschitscherine, *Rousskii dilettantism* etc. (Le dilettantisme russe et la propriété commune. See *Revue des deux Mondes*, 1879, II, pp. 76-114, art. *Le Socialisme agraire et le régime de la propriété.*) Moreover *Staatswoerterbuch* von Bluntschli & Brater: *Leibeigenschaft in Russland* [Serfage in Russia].

have arisen, if individual property had been the original condition; besides, among all primitive nations, as history proves, individual ownership grew out of collective ownership. The latter sentence is a characteristic specimen of M. de Laveleye's mode of arguing. In the beginning of his book he lays it down as an established historical (!) fact, that with all peoples collective ownership was the primitive form of holding property. From this he concludes that among the Russians there existed in the earliest times collective ownership. Later on the Russian peasants are brought forward in their turn to prove that among the other nations private property was preceded by collective property.

As to M. de Laveleye's argument that the origin of common property with periodic partition of the soil cannot be explained, unless we suppose it to have existed from the very beginning, we think it is one which is, to say the least, by no means convincing. To explain the origin of joint property, we have only to suppose that the landlord made the whole *mir* answerable for the payment of imposts and for the services due to him by all the individuals. Cases of such common liability may be found elsewhere, as, *e. g.*, in very early times in England, where the bondmen of the village took upon themselves the joint liability for the payment of the taxes and for the maintenance of order. It is in such a system that we must also seek the origin of the right of self-taxation existing in many towns in England. A plan of this kind would save the landlord the trouble of collecting the taxes or of appointing officials, and would, besides, give him greater security for his income.

Now, a similar system probably obtained in Russia.

We know that even before the abolition of serfage, the peasants, at least of a large portion of Russia (the so called "Black Land"), were held liable as a body for the payment of taxes. They made a rule on that account, that no one should quit his village without finding a substitute to take his place. Hence, in order not to be compelled to pay the insolvent's share of the taxes, as well as their own, the members of a community had the greatest interest in preventing any of their number from becoming insolvent. Thus we may easily understand how, at the death of a father of a family, the community might lay claim to his possessions. This was so much the more easy, as the peasant was not the real owner, but only the usufructuary of the ground, and the total dues were assessed according to the total amount of land, not according to the number of heads of families.

Such a relation, moreover, between the whole community and its individual members, must have also redounded to the advantage of the landlords, as it kept the peasants in subjection and reminded them that their persons, as well as the land which they cultivated, were the property of another. As a matter of fact, the Democratic Republics of Novgorod and Tskov had formerly individual property, until they lost it, together with their liberty, under the dominion of the Moscovite Czars. Still more remarkable is what M. de Laveleye tells us on the authority of Haxthausen, namely, that Westphalian settlers in Russia asked and obtained permission to re-distribute the soil according to the custom of the Russian village communities, when, with the lapse of time, the increase of population should make re-division desirable.

All this goes to show that the origin of *common*

property from *individual* property is not an impossibility. And we must not forget that until the abolition of serfage the landed estates of the *mir* did not belong to the *mir* itself, but were the *private property of the landlord.* In fine, we should not overlook the fact that the peasant's dwelling, as well as its surrounding grounds, were always regarded as his property, or, at any rate, as an hereditary fief of the occupant. Hence they were not considered subject to the periodical divisions of property.

In a similar manner Le Play[1] also explains the origin of the common property of the Russian village communities. This explanation, therefore, M. de Laveleye should have the less disregarded, as he himself calls M. Le Play "an accurate and thoughtful economist," from whom he has taken the description of the organization of the Russian village communities, acknowledging at the same time that M. Le Play "has made a careful study of the systems of property among various pastoral nations, and especially among the tribes on the Asiatic side of the Urals."[2]

Collective property in land cannot be shown to have been the *only* mode of property in the *ancient Germanic mark communities* any more than it can be shown in the case of Russia. Caesar, it is true, tells us that among the Teutons, no one possessed arable land individually and as his private property. "Agriculture", he writes, "is little regarded among them, as they live mostly on milk, cheese and flesh of animals. Nor has any man lands of his own, or distinguished by fixed boundaries. The magistrates and those in

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1 *La Réforme sociale*, vol. III. liv. VII. ch. 65. n. 7.
2 *Primitive Property*, p. 7.

authority portion out yearly to every canton and family such a quantity of land, and in what part of the country they think proper; and the year following remove them to some other spot."[1]

Authors of great weight, as John Mitchell Kemble and George Waitz, have called in question the accuracy of Caesar's statement. Kemble says with reference to the passage quoted: "Caesar, it is true, denies that agriculture was much cultivated among the Germans, or that property in the arable land was permitted to be permanent. . . . But so deeply does the possession of land enter into the principle of all the Teutonic institutions, that I cannot bring myself to believe in the accuracy of Caesar's statement. . . . At the utmost it can be applied only to the Suevi and their warlike allies."[2]

William Stubbs, after having given Caesar's notices on the Germans, gathered from various passages, writes as follows: "This sketch, drawn by one of the greatest statesmen of the world, has a value of its own: and . . . a special interest. But the details are scarcely distinct enough in themselves to furnish a trustworthy basis of a theory, and even when interpreted by later notices they contain much that is obscure. . . .

"The general impression derived from the outline is, that the tribes whom Caesar knew by report were in a state of transition from the nomadic life to that of

1 *De Bello Gallico*, l. VI. c. 22. Agriculturae non student, majorque pars eorum victus in lacte, caseo, carne consistit. Neque quisquam agri modum certum aut fines habet proprios; sed magistratus ac principes in annos singulos gentibus cognationibusque hominum, qui una coierunt, quantum et quo loco visum est agri attribuunt atque anno post alio transire cogunt.

2 *The Saxons in England*, (London 1876) vol. I. p. 39 seq.

settled cultivation. The nations had their defined territory surrounded by a belt of unpeopled or subject land. But within the national area, the customs of pastoral life still prevailed; the smaller communities moved annually in search of fresh pasturage; they cultivated enough land to supply the year's provision of corn, changing their occupancy every year, and having accordingly no permanent homesteads or substantial dwelling-houses."[1]

There may be some obscurity and, perhaps, even some exaggeration in Caesar's account of the Germans; but there is no need of rejecting it. We have only, as the text itself suggests, to understand it of those tribes that changed their abode every year, and lived mainly by war and the chase. It was but a consequence of their military organization and their nomadic life that no one was allowed to settle permanently in any place and to acquire landed property.

If, therefore, M. de Laveleye denied the existence of individual land ownership among those Germanic tribes only who had no permanent dwelling, we should have no objection to the statement. Among such nomadic tribes common property in the soil will arise as soon as any true property is formed.

So long as there remain vast regions still uninhabited, all that land will be without an owner, and any one may there exercise his right of appropriation. When, however, the tribes or their respective memberships increase, and they gradually restrict each other to certain limits within which they roam at stated periods, each will begin to regard his district as the

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1 *The Constitutional History of England*, vol. I. p. 14 seq.

property of the whole tribe, and defend it against the other tribes. This sort of common ownership exists to-day among several Indian tribes of North America, who consider certain extensive valleys and river plains as their exclusive property, and seek to defend it against foreign encroachments, especially against advancing white settlers.

Now, such a condition may very well have existed among the nomadic tribes of Germany. But we are by no means entitled to conclude from this, that such was the case among all the nations of the earth. For it is not true that all nations were originally nomadic hunters, and that only later on they applied themselves to agriculture. Cain was a husbandman, and of Noe we read that he planted a vineyard.[1]

Even as to the Teutons, it would be rash to interpret the account of Caesar as comprehending all of them.

"The account of the Suevi," says W. Stubbs, "can be true only of the population bordering on Gaul or on the empire, which were kept on the defensive by the news of the approach of the Romans, or were still affected by the great migratory wave which had begun its course half a century before. Of the tribes of interior Germany we learn nothing directly. . . . We must look to Tacitus for the filling in of details as well as for the clearer, broader, and more definite elaboration of the outline."

"Tacitus," the author continues, "wrote about a century and a half after Caesar. During this period the Romans had been constantly in collision with the Germans, and the knowledge they now possessed of

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1 Gen. IV. 2. and IX. 20.

them must have been direct, abundant, and explicit. The *Germania* is an inestimable treasury of facts and generalisations, but it is not without many serious difficulties."[1]

Now, from Tacitus we learn that, besides the nomadic tribes, there were others who had permanent dwellings situated some on single isolated farms, and others in villages where each house was surrounded by a lot of ground. "The same authority," says Kemble, "that tells of some who lived alone as the hill-side or the fresh spring pleased them, notices the villages, the houses and even the fortresses of others."[2]

"The villagers", writes W. Stubbs, "choose places for their homesteads as the supply of water, wood or pasture tempts them. Their buildings are not crowded upon one another: in collective villages or in solitary farmsteads each man has his own house and a space of ground surrounding it. . . . The homestead of the rich and poor freemen alike must have included granaries, cow-houses, and stock-yards. And in this no one but the owner could have any right. It is possible that it contained land enough to furnish hay for the winter, for Tacitus mentions no annual re-apportionment of meadow-ground, although it is more probable [?] that that was allotted on the same principle as the arable."[3]

In a note the writer adds, at the same time referring to Dr. Waitz[4]: "The houses in the villages are separated from one another; other houses are built

1 *Constitutional History*, vol. I. p. 16 seq.
2 *The Saxons in England*, vol. I. p. 37.
3 *Constitutional History*, vol. I. p. 19 seq.
4 *Deutsche Verfassungs-Geschichte*, Kiel 1865, I. 108-110.

apart wherever the settler chooses: the difference between the village-life and the separate farm-life already appearing."

The following are the words of Tacitus:

"The German peoples, it is well known, do not inhabit cities, nay, they do not even suffer their abodes to be connected with one another. They live separately and in diverse places according as a fountain or field or grove may have attracted them. They arrange their villages, not after our manner, with buildings united side by side, but every one has his house surrounded by an open field, be it in order to prevent danger of fire or because of their unskilfulness in constructing."[1]

The former mode of settlement, that of separate farms, seems to have prevailed especially among the Frieslanders, and has been perpetuated to this day in several parts of Germany, for example, in Westphalia. This system, as no one will contest, entirely precludes the only existence of common property in land with periodical division of the soil.

Moreover, what Tacitus writes concerning the condition of slaves among the Germans shows that among those peoples with permanent abodes there existed private land ownership from the earliest times. The great Roman historian points out as a peculiarity of the Teutons that they did not employ their serfs in household duties, but assigned to each of them a

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1 German. c. 16. Nullas Germanorum populis urbes habitari, satis notum est, ne pati quidem inter se junctas sedes: colunt discreti ac diversi, ut fons, ut campus, ut nemus placuit: vicos locant, non in nostrum morem, connexis et cohaerentibus aedificiis: suam quisque domum spatio circumdat, sive adversus casus ignis remedium, sive inscitia aedificandi.

dwelling apart with a piece of arable land, and that in return they received certain taxes from the serfs. "The other slaves" (that is, those who have not lost their liberty through gambling, cf. c. 24) "are not, as with us, assigned to the various household duties; but each one minds his own house and family. His master, however, imposes upon him as upon a serf (ut colono) a certain tax of corn or cattle or raiment, and the slave is thus far dependent."[1] Now, this whole system manifestly implies that as the master owned the slave, so he also owned the land on which the slave worked.

Let us hear what Professor Stubbs says of the servile classes among the Teutons. "The unfree or servile class is divided by Tacitus into two[2]: one answering to the *coloni* of Roman civilization and the other to slaves. Of the former each man has a house and home of his own. He pays to his lord a quantity of corn, of cattle, or of clothing; he must therefore hold *land* on which to grow the corn and feed the cattle, and *this land is of course a portion of his lord's.* Possibly the more dignified and richer freemen cultivate all their lands by these means.... The second class of *servi* contained those who had lost their freedom by gambling; possibly also prisoners of war."[3]

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1 German. c. 25. Ceteris servis, non in nostrum morem, descriptis per familiam ministeriis, utuntur. Suam quisque sedem (al. domum), suos penates regit. Frumenti modum dominus, aut pecoris, aut vestis, ut colono, injungit; et servus hactenus paret.

2 Tac. *Germ.* cc. 24, 25; Grimm, *Rechtsalterthuemer*, pp. 300, 301; G. L. von Maurer, *Hofverfassung*, I. 5 seq.

3 *Const. History*, vol. I. p. 23. (The Italics are ours.)
In the same manner the passage of Tacitus is explained by the following authors: J. G. Heineccius, Antiquitat. German. II. c. 9. §. 1. ss. — Eichhorn, Deutsche Staats-und Rechtsgeschichte. 4. Ausg. Bd. I. S. 64. Anm. h.—F. Walter, Deutsche Rechtsge-

That besides the possession of a more or less considerable amount of private property in land the freemen had a share in the usufruct of land (arable, pasturage, and forest land) that was owned by the community as such, is by no means excluded by what we have seen so far. That such common possessions were in fact part of the Teutonic system described by Tacitus, we learn from the twenty sixth chapter of his *Germania*. The passage is thus freely given by Professor Stubbs: "The arable land is occupied by the community as a body, and allotments, changed annually, are assigned to the several freemen according to their estimation or social importance. The extent of waste land prevents any difficulty in the supply of divisible area. The arable area is changed every year, and there is abundance over; for they do not attempt to utilize by labour the whole productive power or extent of the land, in planted orchards, divided meadows, or watered gardens; the only tribute levied on the soil is the crop of corn."[1]

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schichte, 1857. Bd. I. S. 14.—K. Th. von Inama-Sternegg, Untersuchungen ueber das Hofsystem im Mittelalter, 1872. S. 34.—von Schulte, Reichs-und Rechtsgeschichte, 1873. S. 24.

The assertion that the slave cultivated only a parcel of *the ground allotted to his master every year*, finds in the passage no support whatever. It is scarcely credible that Tacitus should have enumerated the various services imposed upon the slave by his master (frumenti etc.) and at the same time have omitted the principal point, viz., the periodical assigning to him of a parcel for cultivation; yet this point, in comparison to the relation of a Roman *colonus*, should have been a particularly striking one.

1 *Const. History*, vol. I. p. 19. — German. c. 26. Agri pro numero cultorum ab universis in vices occupantur, quos mox inter se secundum dignationem partiuntur. Facilitatem partiendi camporum spatia praebent. Arva per annos mutant; et superest ager. Nec enim cum ubertate et amplitudine soli labore contendunt, ut pomaria conserant, et prata separent, et hortos rigent: sola terrae seges imperatur.

Thus the system of property holding among the ancient Teutonic tribes, who had fixed settlements, included, according to the account of Tacitus, both landed estates in severalty and possesions held in common. With regard to the former it is worthy of note that the passage quoted above on the slaves or serfs necessarily points to the existence of a considerable amount of landed property at the time of Tacitus. For the house of the slave, together with the ground on which it stood and the open space surrounding it, are to be considered as the property of his master. Now, Tacitus seems to suppose that many freemen possessed a multitude of slaves, and this same supposition is also probable for other reasons. Hence it would follow that many a free Teuton possessed as his property a considerable tract around his dwelling. That around such a group of houses there should not have very soon arisen an extensive amount of private landed possessions is improbable. These settlements of free landowners with their serfs have justly been considered as the original form of the seats of noblemen in later periods in which the cottages of the feudal peasants surrounded the dwelling of the landlord.

M. de Laveleye himself was struck by the relation of the Teutonic serfs to their lords, as described by the great Roman historian, and was acute enough to see the conclusion necessarily flowing from it as to the question of individual property holding in land.

Thus we read in "Primitive Property": "The [Roman] proprietors of *latifundia* understood that, instead of having their lands cultivated by slaves working badly . . . , it was more to their advantage to grant the farm to *coloni*, enjoying the produce of their labour, in consideration of a share in the harvest. It was to

the interest of these *coloni* to cultivate well. . . . The condition of the serfs in Germany, as depicted by Tacitus, was similar to that of the Roman *coloni*. Each had his dwelling, the master merely exacting a certain rent in corn, cattle or garments, as he would have done from a *colonus*."[1]

In another chapter we read: "The oldest Anglo-Saxon documents mention the *Lænland*, land granted to peasants, who were bound to render cattle, corn, poultry or eggs, or else to execute certain agricultural operations on the manorial lands. These cultivators, it seems, were attached to the soil; or, at least, the domain was sold 'mid mele end mid mannum.' Their condition, therefore, resembled the Russian serfs". Here the learned economist adds the following remarkable note: "This is precisely the condition of the German serf as described by Tacitus: 'Ceteris servis etc.'"[2] How these passages (and there occur many of the same kind throughout the whole work) agree with the main purpose of his book, the author seems not to be concerned.

In the following passage he speaks still more plainly and candidly: "Even in the time of Tacitus equality within the *gens* was not absolute; some families had more power, wealth, or slaves, and even obtained a larger share in the partition. It was only such families that could create an isolated domain in the forest by the labour of their dependents. This domain was free from communal authority and from the compulsory cultivation, or *Flurzwang;* it was already a kind of separate sovereignty. On this limited and enclosed

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1 *Primitive Property*, p. 227.
2 Ibid. p. 246.

space, temporary annual and nomadic cultivation was impossible. . . . Several of Charlemagne's villas had this origin. By this title he was the proprietor of a domain (*curtis*) in the diocese of Salzburg, of great extent, comprising fifteen farms, vineyards, meadows, and woods. In this manner there arose in all parts, side by side with and in addition to the common territory, which was subject to partition, private, independent properties, seignories, or *curtes nobilium*, etc."[1]

According to the unequivocal testimony of Tacitus, then, there can be no doubt but that in his time, and even before him (for the agricultural condition of a country like ancient Germany does not spring into

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1 Ibid. p. 224. It is curious to confront with the above mentioned paragraphs passages like these: "Caesar tells us of the Suevi: '. . . But none amongst them can possess the land in severalty as his own, and none may occupy for more than a year the same land for cultivation. . . .' These are the habitual features characteristic of the economic condition of the German tribes. . . . The soil is only cultivated for a year: landed property is unknown: and the arable land is divided among the inhabitants for mere temporary enjoyment." (P. 108.)—"'No one, in short', [writes Diodorus of Sicily of the most likely fabulous isle Panchaia,] 'is allowed to own anything as separate property, except a dwelling-house and a garden.' This agrees with the agrarian system of Russia, of ancient Germany, and India." (P. 146.)—"Formerly, when all the territory still remained the common property of the village, the lots were periodically distributed, not among the individual members, but among the family groups, as is the custom in Russia at the present time, and was, according to Caesar, the custom among the Germans. 'No one holds lands as his private property, but the magistrates and chiefs distribute them, etc.'" (P. 197.)

All this is given by the author of *Primitive Property* as unquestionable, historical truth!—Moreover the words of Caesar, "Nec quisquam etc." and the corresponding passage of Tacitus, "Agri pro numero cultorum etc." are quoted again and again, now in Latin, now translated, and for the most part they are so adduced as to convey that they express the *whole* agrarian system of *all* the German tribes. On

existence on a sudden), there existed, side by side with and in addition to the territory held in common by the tribes or clans, landed property in severalty. And no one who is able to realize an historical argument, can hesitate to endorse the final judgment of Professor Stubbs expressed in the following words: "The idea of the Mark System, as it is called, according to which the body of kindred freemen scattered over a considerable area and cultivating their lands in common, use a domestic constitution based entirely or primarily on the community of tenure and cultivation, is an especially inviting one. . . . But this system, in its bare simplicity, is scarcely consistent with the general sketch of the Germania, and totally insufficient as a key to the whole."[1]

Hereditary succession according to the oldest Germanic statutes testifies, if possible, even more plainly,

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the other hand, the writer disposes of the important passage of Tacitus, "Nullas Germanorum populis etc." in a manner that we should not expect from a scholar. He does not even once give the whole passage, but only parts of it, and without translation. Besides he manifestly distorts the meaning of the text. "The tenure characteristic of the pastoral system," we read on p. 104, "still embraced almost the whole land. Hereditary ownership was only applicable to the house and enclosure belonging to it, as in Java or Russia. Suam quisque domum spatio circumdat, says Tacitus." (!!) On p. 118 he tries to explain away the isolated farms mentioned by Tacitus. "Isolated farms," he tells us, "are hardly to be met with in Germany, except in the north-west, and there they are of recent origin." (??) And he adds in a note: "Tacitus, in fact, in the same passage mentions villages, *vici;* he could not, then, have been alluding to dwellings scattered over the country."—Why cannot one and the same country contain both isolated farms and villages? And cannot an historian in the same paragraph allude to, and even expressly mention both? That the learned economist places only a comma between *placuit* and *vicos*, whereas all editors of Tacitus separate these words by a semicolon or a colon, or even a period, cannot prevent us from gathering the manifest meaning of the classical passage.

1 *Const. History*, vol. I. p. 33.

than what has hitherto been said, to the existence of individual ownership of land from the earliest periods. According to the Salic law,[1] no portion of the *Seliland* (*Salic soil*, comprehending the house and its surrounding arable ground generally fenced in) could become the inheritance of female, but only of male descendants. The same law sets forth the principles of final decision in the case of quarrels among the heirs. Precisely the same ordinances are found in the Ripuarian law.[2] The laws of the Angliers and Weriners appoint the son sole heir, to the exclusion of the daughters; and, in default of a male heir, money and slaves are to be given to the daughter, but the house and farm go to the nearest male heir on the father's side.[3] The Lombardic[4] and Bajuvarian[5] laws also contain regulations in regard to giving away farms and plots of ground as donations. In fine, several of these old laws, particularly the Burgundian[6] and Ripuarian,[7] suppose private property even in tracts of forest land. Now, as is commonly admitted, all these laws, though they were drawn up only in later times, are the embodiment of juridical customs established long before, and reaching back to the earliest ages of Germanic history.

The alienation of landed property was, it is true, subject to a certain control by the whole family, and even by the whole mark community. But this fact

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1 Lex sal. Tit. 62. de alod. leg. 6.
2 Tit. 56. de alod. l. 3.
3 Tit. 6. de alod. l. 1.
4 Lex Longob. l. 2. titul. 15. c. 2.
5 Lex Bajuvar. titul. 1. c. 1.
6 Titul. 28. c. 1.
7 Titul. 76.

does not preclude the notion of private ownership, and may be readily explained by a study of the origin of these communities.

The permanent settlements of the Germanic tribes seem, in a great part, to have come about in the following manner: Whenever a certain district was taken possession of, the land was distributed among the different divisions (hundreds) of the army, and within these divisions it was again portioned out by lot among the various families or their kindred. Now, hunting and the raising of cattle being the favorite pursuits of these people, a certain portion of each allotment was set aside and remained the common property—*Gewehre*—of the whole family or clan, but the portion that was gradually cultivated went to the several male members of the family, and could be transmitted by each of these to blood-relations only.

This arrangement was intimately connected with the religious belief of the Teutons, by whom the ties of kindred, as Tacitus tells us, were regarded as something sacred, imposing upon them as a strict duty mutual protection and revenge for bloodshed. Moreover, owing to their imperfect social organization, a close union of the several related families was necessary for defence against foreign aggression. Hence we can easily understand why, from the very beginning, families made it a rule that landed property should be transmitted to those capable of bearing arms, and consequently to male descendants only; and, besides, we can understand why, in default of male issue, he who was adopted into the family had to sip of their blood, as a substitute for natural blood-relationship, and again when he took possession of his inheritance,

had to mingle some of his own blood with the ground which he was about to occupy.[1]

These limitations, however, of free disposal, do not destroy private ownership any more than an entailed estate ceases to be individual property, merely because of its not being alienable at pleasure. Nay, more. We can say that these *marks* and *allmends* themselves were at first properly owned by single families or their heads, and that they became collective property only when the families grew and developed into communes. And just because the communal property had originally been the private property of a family, it still retained afterwards many characteristic traits of family proprietorship.

To summarize briefly what we have said thus far about the question of landed property among the ancient Germans: if M. de Laveleye means to say that private ownership in the soil originated among the Germans only at a late period, and chiefly through the influence of the Romans, his opinion, we may confidently maintain, is in open contradiction with historical truth. Historical documents enable us to trace the existence of individual land ownership back to the earliest times of the Teutons. Its absence we discover among such tribes only as had no permanent abodes.

Private ownership in land is not, as the Liege economist imagines, a relatively modern invention but is coeval with mankind itself. In the following chapter we shall prove this from the history of the Oriental nations. We can, therefore, spare ourselves for the present the trouble of examining the author's descrip-

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1 Compare Phillips, *Deutsche Geschichte.* Bd. I. S. 144 ff.

tions of the primordial collective proprietorship among the nations which he calls "primitive." Hence it follows that all the conclusions, which he bases upon his historical researches and by which he seeks to bring into bad repute the system of individual land ownership of our own time, are devoid of all foundation. It is not true that men, so long as they *followed* only the *natural instinct of justice*, and before they were *spoiled* and *led astray* by a *false culture*, knew nothing except common property.

Let us however go a step further. Let us suppose M. de Laveleye to have proved beyond a doubt that originally there existed *only* common property among *all* nations. Let us suppose, moreover, as the learned professor would have us do, that all *primitive* nations, *i. e.*, the Russians, the Germans, the Japanese, and the New Caledonians, etc., had found the greatest contentment and happiness in the joint possession of their land. What are we to conclude from this? We must not forget that the author is by profession a political economist, and has composed his book to confirm his economical theory of land ownership. What conclusions, then, does he draw from his historical investigations? Does he merely maintain that besides private property, common property, whether vested in corporations or in communes or even in the State, possesses many advantages and has a certain right to exist, and that, consequently, it would be desirable to re-establish it in part, as it existed among most of the really happy nations? If this were all, we might more readily agree with him.

For we do not condemn communal property in land. We admit it as rightful and just, where it exists either in consequence of the original collective occu-

pation of a territory or of parts of it, without a subsequent change of the system having taken place, or because it has been subsequently introduced in some lawful manner. We also acknowlege its special advantages whether it exists by the side of individual property, as for example in Switzerland and other countries.

But such is not the system of the Belgian professor. He does not understand, it seems, how both individual land ownership, and collective property holding can at the same time be in accordance with natural justice. And his reasoning is this. According to his views, every man has a natural right to share the possession of the globe, and hence to hold a portion of land. If, then, we would act in accordance with justice, we must either divide the earth equally among all, or establish a system of common ownership which will secure to each individual his share in the soil. But while we know, he argues, that equality of private possessions can never subsist permanently, *history* shows us the only arrangement which would harmonize with natural justice, viz., collective ownership in the soil.

M. de Laveleye grants that, strictly speaking, history tells us only what actually has existed, without affording us a sure test by which to judge of the lawfulness or necessity of its existence. However, he asks, if "all the arguments adduced in favor of quiritary property" are untenable, and, on the other hand, history shows that all nations "under the sway of a universal sentiment of natural justice"[1] have up to a relatively recent period, by a system of collective

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1 *Primitive Property*, Preface, p. xlii.

ownership secured to each individual a share in the common possession of the earth—is not this sufficient to make us reflect seriously?

We have already seen what truth there is in the assertion that private property in land is of comparatively recent origin; but the other assertion, viz., that all the arguments advanced in support of private ownership are untenable, deserves our particular attention.

He enumerates five of these arguments or theories, and tries to show that all of them prove the contrary of what they are intended to prove. As regards the first four, we may leave them as well as their advocates to their own fate. We ourselves have elsewhere expressed our disapproval of several ways of justifying private property, which are usually found in liberal jurists and political economists.[1]

We are concerned only with the theory mentioned by M. de Laveleye in the last place—the theory which considers private property as an outgrowth of natural right, or as an institution of the natural law.[2] The natu-

1 Stimmen aus Maria-Laach, 1881, vol. XX., pp. 109 ss.

2 In *Primitive Property*, p. 348, we read: "The sixth system regards property as a natural right. In the present day all the advocates of property vie with one another in repeating that it is a natural right; but there are but few of them who understand the import of these words." And, as the reader will readily see, the author of *Primitive Property* seems not to understand it, either!

This "sixth system" or theory to justify private property is in reality the fifth and last according to the author; because what he mentions as the first, gives nothing but the *original source* or *primitive title* of actual ownership, viz., *occupancy;* hence the *first system* is only part of the *sixth system.*

It may be interesting to hear what M. de Laveleye says about *occupancy.* "Roman jurists," he writes, "and most modern ones have considered occupancy of things without an owner as the principal title conferring property. *Quod enim nullius est, id, ratione*

ral right theory of ownership will be discussed at length and established in another chapter. However we may solve at once the objections made against it by the author of "Primitive Property."

If private property is, according to the expression of Portalis, "a natural right," then it follows so the Liege professor asserts—that every man has a claim to some piece of property, inclusive of the soil, and hence that it is an injustice to exclude him from possessing part of the land.

By this reasoning the learned professor shows that he is far from having grasped the import of the natural right theory. The assertion that private property is of natural right or is demanded by the natural law, is not to be understood to mean, as E. Fichte[1] and others, and perhaps Portalis himself, have taken it, that every man by the very reason of his nature or his personality is actually invested with a title to some concrete property. When the teachers of sound jurisprudence of old as well as of recent times maintain private property to be of natural right, they only maintain that the principle titles of ownership are determined by nature itself, previous to any positive divine or human eractment, and that consequently in order to become an actual owner, one has but to

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naturali, occupanti conceditur, says the Digest. [For what is nobody's, natural reason grants to the first occupant.] This theory can be easily maintained, so long as it only has to do with movables which can be actually seized and detained, like game taken in the chase, or goods found; but it encounters insurmountable difficulties directly we attempt to apply it to the soil." (Ibid. p. 339.)

That these "difficulties" are not "insurmountable," and that in fact *occupancy* is the only original title of ownership whether in movables or immovables, will be demonstrated in its proper place.

1 *System der Ethik*, Bd. II., 2. Th., § 93.

realize such a title by fulfilling the condition under which nature (the natural law) bestows and sanctions a particular right of ownership.[1] Moreover, if they maintain that private property is demanded by the natural law, they speak only of that institution as such and of man in general, not of every single individual.

A comparison will make this clearer. We say that matrimony is an institution of the natural law, and is strictly necessary. Now, do we mean by this that matrimony is necessary for every one, and that every man should by natural right take a companion through life for weal or for woe? This would be at most but the tenet of an "Old Catholic" clergyman to whom celibacy has become an abomination. Now, just so it is in the case of property.

Private property is an institution of natural right, and is necessary for the whole of mankind as such that they may attain the development ordained for them by God. But it does not follow from this that private property is necessary for every single human being, or that every man can by natural right claim a piece of land.

Nor is this claim of every individual to a piece of landed property on the one hand, and the untenableness of the natural right theory on the other, proved by the professor's rhetorical appeal to our "innate sentiment of justice."

To arouse the noble feelings of the reader, the

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1 For instance, right reason tells us that a thing without an owner becomes the property of the first occupant. Hence, if I properly occupy some object which belongs to nobody, it becomes immediately my property, and I hold it on the natural title of occupancy. Again if I acquire an object by exchange of an equivalent either in goods or in money, the object becomes mine by virtue of the natural contract.

learned economist pictures a shipwrecked sailor who is cast on an island which is already occupied by other people, and he asks: "What is his right?" On the title of his being a man like themselves the sailor claims to occupy a corner of the island to support himself by his labor; whereupon the professor continues: "If the justice of this claim is denied, there is no course but to throw the new comer back into the waves. . . . If he cannot claim a share in the productive stock to live by his labour on it, he has no right at all. It is no violation of justice to allow him to die of hunger. Need we say that this solution, which seems to be that of the official school of jurists and economists [!], is contrary alike to the innate sentiment of justice, to natural right, to the primitive legislation of all nations, and even to the principles of those who adopt it?" [1]

The eminent political economist waxes eloquent, but alas! he fails to be logical. To answer briefly: M. de Laveleye may be quite at ease with regard to the right of the starving sailor under our theory of ownership. We will tell him what the poor man in his wretched condition can expect and claim in virtue of the natural law. First, he can appeal to the charity of the inhabitants of the island who, by the natural precept of charity, are obliged to help him under pain of grievous sin. Secondly, should they be so cruel as to refuse him their assistance, then he will be entitled by the natural law to appropriate to himself from their provisions and possessions what he needs for his subsistance and safety, and whoever would hinder him from so doing, would violate natural justice, and

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1 *Primitive Property*, p. 351.

would, in fact, be guilty of murder. For, in extreme necessity, every man has a natural right to appropriate for his use as much as is strictly necessary for the immediate preservation of his life; and from exercising this right no one can prevent him without violating natural justice.

This, as our natural reason tells us, follows from the immediate end for which the goods of this globe of ours have been created by the Almighty, viz. man's safety and welfare.

The goods of the earth, however, were undoubtedly created for the benefit of *all* men; their use should be, according to God's intention, as extensive as possible, and the earth should yield for all men the means required for their subsistence. Now, it is precisely upon this essential end of earthly goods, to serve for the widest possible use of mankind, that St. Thomas, and with him all Catholic Doctors, have at all times based their proof of the necessity of private property for mankind. Without private property among men we should soon suffer from the greatest dearth of the means that are requisite for the development of human kind, because, as a rule, then only will man expend his labor and sweat on the soil for any length of time when he knows that the fruit of his toil will be reaped by himself and by his children in whom he continues to live.

Here, however, we have touched upon a point where M. de Laveleye's work threatens to completely overthrow our whole system. We maintain that private ownership even in land is necessary for the proper development and civilization of the human race. But, replies the learned economist, does not my treatise prove that private property in land is a very recent

institution (*"une institution très-récente"*), and that agriculture received its greatest impetus under the system of common ownership? Do we not see that in England and Germany the tenants, although they are not proprietors, have brought agriculture to its greatest perfection? And you still dare to assert that private ownership in land is necessary for civilization?

To this last objection we answer that the tenant-system itself, in order to flourish, necessarily supposes the existence of individual ownership. The tenants would soon cease to cultivate the ground in the way they now do, if instead of a private owner they had to deal with the State or the community, whose *duty* it would be on the one hand to secure to them a fixed portion of land, and on the other to prevent them from acquiring more, lest the equilibrium of landed possessions should be disturbed; besides it is a fact which cannot be denied, that wherever exclusive common ownership in land exists, there agriculture has remained in a very low stage of development, and for centuries has made no progress which was not enforced by the State. In fine, from the fact that in a low stage of civilization, where the wants are few and the whole community scarcely exceeds a numerous family with its various branches, there exists collective ownership in land, we cannot infer that such a system would be of advantage in a higher stage, or would be at all admissible or possible.

It would seem to us that his historical researches should have led M. de Laveleye to an entirely different conclusion in regard to land ownership. He endeavors to prove by all the means at his disposal, that originally collective ownership only existed everywhere and among all nations, whereas, on the other

hand, he admits again and again, that everywhere, with advancing civilization, this system was superseded entirely, or at least in part, by private ownership. Now, what should he have concluded from this universal fact? Evidently this: that exclusive joint-ownership proves to be an obstacle to progress and culture, and is on that account more or less discarded by all nations, as soon as they awake to the want of a stage of civilization that contains more freedom and harmonizes better with man's dignity.

CHAPTER III.

PRIVATE PROPERTY IN LAND AMONG THE MOST ANCIENT ORIENTAL NATIONS.

If we wish to learn how property was held by the human race in primitive times, we cannot rest satisfied, like M. de Laveleye and others, with inquiring into the Russian village communities, the mark associations of the Teutons, or the customs of the Javanese. Such investigations may be interesting and instructive, but they are not to the purpose. Of all these peoples we know little or nothing up to the Christian era. It was not until long after the "fullness of time" that they emerged from the darkness of myth and fable into the light of history.

We must rather turn to those nations with which the history of the human race begins, and of which the oldest historical monuments give us information. This is the method to be followed in historical research. Now, it is evident that of all historical monuments the books of the Holy Scriptures hold the first place. Even from the stand-point of an unbeliever they demand at least that consideration which we give to the works of Herodotus, Thucydides, Livy, and Tacitus. In the present chapter we shall prove that among all the old Oriental nations individual property in movables, such as weapons and tools, as well as in houses and land, goes back to the earliest times. However, before entering upon our historical proof, we must exclude a

confusion of ideas that we have often met with in the works of our adversaries.

The Fathers of the Church, as is well known, often speak of common property, and even the expression that originally all earthly goods were in common, is quite familiar to them. Nay, several Fathers speak in such a manner against private property that, if one were to use their language to-day, he would be strongly suspected of being in secret league with the most radical Communists. Thus, for example, St. Ambrose says, that "nature made all things common, and that occupation created private right (private property)."[1] St. Jerome does not even hesitate to write: "The common saying, that the rich man is either unjust himself or the heir of an unjust man, seems to me very true."[2] Could anything more daring be uttered to-day by a socialistic demagogue in his railings against the "capitalist speculators"? And indeed, the Fathers of the Church, and with them even the apostle St. James,[3] have in all earnest been charged with communistic tendencies. No less a personage than a member of the French Institute, the political economist, M. Henry Baudrillart, undertook to prove in detail that the charge was well founded.[4]

But here we may apply the old adage: "Si duo dicunt idem, non est idem." (If two men say the same thing, it is not the same.) The censure which

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1 De Offic. Ministr. l. 1. c. 28. n. 132. Natura igitur jus commune generavit, usurpatio jus fecit privatum.

2 Epist. 120. Unde illa vulgata sententia mihi videtur esse verissima: dives aut iniquus aut haeres iniqui.

3 Jam. V. 1 ss.

4 "Journal Officiel" of March 30th. 1878, p. 3686: "Études morales: La satire chrétienne aux premiers siècles."

St. Jerome pronounces against the rich, does not regard property or wealth as such, but the unjust way in which it was generally acquired by the covetous and sensual Romans of his time, which was the period of the downfall of the Roman Empire. Moreover, when the Fathers of the Church speak of primitive community of goods, they generally mean, what the scholistics after St. Thomas have called the *negative* community of goods (communio bonorum negativa), that is, that primordial condition of things in which the earth and all its goods as yet belonged to nobody, and was therefore without an owner. To use an illustration, if one on a high balcony were to throw a quantity of nuts or pieces of money to a crowd of boys below, we might say that these objects, while falling in the air, would in a manner be common to the whole crowd, *i.* e., they would not belong to any one in particular, and might therefore be appropriated by any one who would be so fortunate as to get possession of them first. As soon, however, as any one would have seized them or some of them, they would be *his*, and no one could take them from him without injustice. This was the state of the world at the dawn of history. It was placed by God, like an object without an owner, before all men; it as yet belonged to no one, and hence was, in a certain sense, common to all, inasmuch as every one could, according to his good pleasure, take possession of a piece of land, until the very last portion of the soil had found its owner.

Accordingly, the sentence of St. Ambrose offers no difficulty. All things on earth were created for this end, that mankind might be benefited by them. Yet they were not immediately given to any one in par-

ticular, but men, urged by their wants and following their practical reason, appropriated what they thought needful or useful. Thus out of the original, negative community of all things private property arose through occupancy; and it arose naturally, because it arose through man's activity under the impulse of his nature.[1]

The Socialists and their professorial advocates speak of the original community of goods in an entirely different sense. They understand a positive community, which consists in the joint possession of goods to the exclusion of all others. In this kind of community of goods there can be no longer any question of objects without an owner; the owner, however, in this case, is not an individual person, but a society or a moral person. Thus, in Switzerland, the "allmends" (certain pasture grounds) belong to the communes; and in most countries vast tracts of woodland belong to the State, that is, to the whole body of citizens. In the positive community of goods each individual cannot freely dispose of the common property, the right of disposing as well as of possessing being invested in the whole body as such. Now, in this *positive* sense, according to the *socialistic* view, the earth was originally the common property of mankind or rather of the different common-wealths into which the human race was divided.

"History shows," writes M. de Laveleye, "that the earth is never regarded by men as *res nullius*. The hunting-ground of hunting-tribes, or the pastures of pastural nations, are always recognized as the collective domain of the tribe; and this collective possession con-

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5 The Latin word, "usurpatio," has not the same meaning as "usurpation," but is in itself an indifferent term.

tinues, even after agriculture has begun to fertilize the soil. Unoccupied land has therefore never been regarded as without an owner. Everywhere in former times as in our own, it was considered as belonging to the commune or the state, so that there was no more room, in former times any more than in our own, for acquisition by occupancy."[1]

What this much boasted historical proof is worth, we have already to some extent seen, and our further considerations, we hope, will throw additional light on it. There is, however, one point in the passage just quoted to which we would call special attention. M. de Laveleye maintains "that there was no room, in former times any more than in our own, for acquisition [of land] by occupancy," because "everywhere, in former times as in our own, it was considered as belonging to the commune or State." From the confidence with which the learned and subtle professor utters this assertion, we must conclude that he had no suspicion of the glaring nonsense which it contains.

Undoubtedly the author will not hold that men inhabited the earth and possessed it as common property from eternity, nor that men were at least coeval with the globe. But if there was a time when men did *not* exist, and when they were *not* spread over the whole earth, how is it that all at once he peoples the entire earth with hunting tribes? For only on this assumption could the assertion in some way be justified that nowhere, in former times, any more than in our own, was there land wthout an owner; that everywhere, in former times as in our own, the earth

1 *Primitive Property*, p. 339.

was considered as belonging to the tribes and nations at large.

The writer's assertion excludes the supposition that in one or more places, tribes or nations arose, and thence spread over the whole earth. For, in this case, it would follow that there would have been a great deal of land without an owner; or how could the peoples of Asia Minor or of Italy dream of possessing England, Scandinavia, China and Japan as their property?

Nay, more; hundreds of tribes would not suffice to claim the whole earth in such a manner that there would be no region left unoccupied and without an owner. A tribe will always claim as its own only as much territory as it can securely make use of and defend against other tribes. But this is always a relatively small district. For an area, therefore, of the extent of Germany, a great number of tribes would be required to people it, so that no portion of it would remain unclaimed. How many tribes, then, would be necessary to take possession of the whole earth?

Not to accuse M. de Laveleye, when he wrote the above passage, of the most inconceivable thoughtlessness, we must suppose that, according to his opinion, there originated at one and the same time in the five grand divisions of the earth nnmberless tribes, who straightway looked upon the territory which they occupied as their own, and treated it as their collective domain. One, however, who does not think such an assumption too extravagant, ought to be somewhat more reserved in his attacks upon "Catholic superstition!"

Let us now turn to history and inquire of the oldest and most venerable historian of the world concerning the primitive condition of landed property.

Of the first children of our first parents, Moses relates that "Abel was a shepherd and Cain a husbandman,"[1] and that Cain "built a city and called the name thereof by the name of his son, Henoch."[2] Tubalcain, the son of Lamech, is described as a "hammerer and artificer in every work of brass and iron."[3] Of Noe, we read that he was "a husbandman" and "began to till the ground and planted a vineyard."[4]

These facts not only refute the fables of the primitive wandering life of all men, but they also indicate pretty clearly that private property, land not excluded, was the primitive form of ownership, since this is the natural conclusion to which they lead us. As to Cain and Abel in particular, the account of them in Genesis implies that they had distinct avocations and possessions. While Abel tended "*his* flock," Cain gave himself to agriculture; and just as Abel "offered the firstlings of *his* flock," so it is but natural to suppose that Cain, offering "of the fruits of the earth," offered of *his* fruits, *i. e.*, of the fruits gathered from *his* fields. Besides, we can scarcely doubt that Cain considered the soil which he cultivated as his individual property, on which Abel could not drive his flock. Thus we easily understand how on the occasion of the distinct mine and thine the jealousy began which finally ended with fractricide.

Furthermore, of the sons of Noe, we read that they built numerous cities, and that, owing to the rapid increase of families, some of their members separated from the rest, sought new homes, and thus became

1 Gen. IV. 2.
2 Ibid. IV. 17.
3 Ibid. IV. 22.
4 Ibid. IX. 20.

the founders of new nations. In all these cases we find from the very beginning private property belonging to the head of the family, which, after his death, usually went to his first-born. Hence we see that the right of inheritance was already at that time fully established. When Abraham in his advanced age was without a son, he asked the Lord to give him an heir, lest, "my servant, born in my house, shall be my heir."[1] His son Ismael, to whom Agar gave birth, is excluded from the inheritance, so that Abraham's entire property, including without doubt his arable fields and dwellings, went to Isaac.

That pits and cisterns were considered the private property of him who dug them, is clearly gathered from several passages of Holy Scripture. Thus Abraham "reproved [the king] Abimelech for a well of water, which his servants had taken away by force."[2] He therefore considered the well as his property, which could not be taken from him without a breach of justice. Again, the law of Moses lays a heavy fine on the owner of a pit who neglects to cover it, and thus is the cause of his neighbor's cattle falling into it. "If a man open a pit, and dig one, and cover it not, and an ox or an ass fall into it, the owner of the pit shall pay the price of the beasts."[3] And here it must be well observed that the law does not establish the proprietorship of pits, but presupposes it as extant and thereupon appoints the penalty.

Decisive, however, for the existence of private property in land are chapters 23rd and 33rd of Genesis.

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1 Gen. XV. 3.

2 Ibid. XXI. 25. See *Biblischer Commentar ueber das Alte Testament*, von Keil und Delitzsch. 2. Ausg. Bd. I. S. 182.

3 Exod. XXI. 33. 34.

After Sara's death, Abraham wished to entomb her body in the land of Chanaan, and accordingly he asked the sons of Heth to grant him an hereditary burying-place where he might bury his dead. They answered him: "Bury thy dead in our principal sepulchres: and no man shall have power to hinder thee from burying thy dead in *his* sepulchre." But Abraham replied: "Hear me, and intercede for me with Ephron the son of Seor, that he may give me the double cave which he has in the end of *his* field; for as much money as it is worth he shall give it me before you, for a possession of a burying-place."

Ephron is here evidently considered as the private owner of a particular field, and his right of alienating it at will is recognized. What does Ephron say to Abraham? According to a custom observed even now in the East, he makes the pretended offer[1] to give him both the field and the cave gratuitously. "Let it not be so, my lord . . . the field I deliver to thee, and the cave that is therein; . . . bury thy dead." Abraham, however, wished to pay the price, whereupon "Ephron answered: 'My lord, hear me; the ground which thou desirest is worth four hundred sicles of silver: this is the price between me and thee: but what is this? bury thy dead.' And when Abraham had heard this, he weighed out the money that Ephron had asked, in the hearing of the children of Heth, four hundred sicles of silver of common current money. And the *field that before was Ephron's*, wherein was the double cave, looking towards Mambre, both it and the cave, and all the trees thereof in all its limits round about, was made sure to Abraham for a possession, in

1 See Dieterici, *Reisebilder aus dem Morgenlande*. Bd. II. S. 168 ff.

the sight of the children of Heth. . . . And so Abraham buried Sara his wife. . . . And the field was made sure to Abraham and the cave that was in it, for a possession to bury in, by the children of Heth."[1]

It is scarcely possible to conceive a more express and formal testimony for the existence of private property in land, inheritable and freely alienable, especially so far back as the time of Abraham, *i. e.*, twenty centuries before Christ. C. F. Keil justly remarks, in his commentary on this passage, that the business transaction by which Abraham acquired the field, "in perfectly legal form," as a burying-place is related "in detail, we might even say with juridical exactness."[2] How conscientiously the contract was kept, may be gathered from the fact that not only Sara and Abraham, Isaac and Rebecca and Lia, were buried there, but that Jacob himself, almost two centuries after Sara's death, found his last resting-place in the family sepulchre near Mambre.

It is particularly noteworthy, besides, that the whole proceeding of the contract between Abraham and Ephron is not related as something new and unusual, but as a matter of common occurrence which had long since developed itself in the principles and customs of both parties. From this we may justly conclude that, both in Chanaan, and in Chaldea, the home of Abraham, the buying and selling of lands—which necessarily presupposes private ownership—must have been an established custom long known to all. Hence, if M. de Laveleye nevertheless calls private ownership in land "*une institution très-récente*," the learned

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1 Gen. XXIII. 6. 8. 9. 11. 14-18. 20.
2 *Commentar*, Bd. I, S. 190.

professor's utterance must certainly be taken *cum grano salis*.

In the book of Genesis it is furthermore related that the patriarch Jacob, who, like Abraham, surely does not belong to *modern times*, "bought," in the neighborhood of the city of Salem, "that part of the field, in which he pitched his tents."[1] About five hundred years later, the same field is called the inherited possession of the descendants of Jacob, and is chosen for the burying-place of the patriach Joseph. "And the bones of Joseph, which the children of Israel had taken out of Egypt, they buried in Sichem, in that part of the field which Jacob had bought of the sons of Hemor, the father of Sichem, for a hundred young ewes, and it was in the possession of the sons of Joseph."[2]

That after the proclamation of the Mosaic law private property in land was universally established among the Israelites, we suppose, is well known. It is sufficient to call attention to the Ninth Commandment: "Thou shalt not covet thy neighbor's wife . . . nor *his* house nor *his* fields;" and to the strict prohibition not to take away or to remove the land-marks. Nay, more; as neither in the times of the patriarchs nor in later periods any allusion is made to collective property in land, we may justly assume that public common property in land was altogether unknown to the Hebrews.

True, the hereditary transmission of goods was subject to certain fixed conditions; and, in the year of the great jubilee, fields as well as houses were, with few exceptions, to return to the family of the original

1 Gen. XXXIII. 19.
2 Josh. XXIV. 32.

owner. But this does not disprove the existence of private ownership, any more than in the case of entailments do the legal restrictions on the right of disposal deprive them of the character of individual property. Neither was this character impaired by Jehovah's reserving to himself a kind of supreme dominion over the land of Israel.[1] In accordance with Christian principles also we must acknowledge God's supreme dominion, and consider our possessions as a kind of divine fief. In keeping, however, with the nature of the old covenant, God made a particular use of His sovereign dominion, with regard to the chosen people, viz.: He withdrew from them part of the right of free disposal, and thus impressed them with a deeper sense of their allegiance towards Him.

From what we have hitherto seen, the reader will perhaps understand why M. de Laveleye, in his historical inquiries, does not touch the Israelites at all, and treats the Sacred Scriptures as a book closed with seven seals.

With regard to the tenure of land among the ancient Egyptians, we find in M. de Laveleye's work only one statement; and we cannot help adding that the statement is false, or at least very inaccurate. "Under the Pharaos," says the learned professor, "the soil seems to have belonged to the sovereign."[2] As proof of this assertion he brings forward a passage of Herodotus, stating that "Sesostris divided the soil of Egypt equally among the inhabitants, giving each a portion, and deriving his principal revenue from the rent which the occupiers had to pay every year."[3] But this pas-

1 See C. F. Keil, *Handbuch der bibl. Archæologie*, Bd. II. S. 208.
2 *Primitive Property*, p. 237.
3 Herodotus, Bk. II. ch. 109.

sage of the Greek historian by no means justifies the vague assertion of the author of "Primitive Property." Besides, more detailed and more trustworthy accounts of the same matter are recorded by Moses.

It is true that the Pharaos were autocrats, without whose "commandment" no man could "move hand or foot in all the land of Egypt."[1] Nevertheless they were not the sole proprietors of the soil. The Patriarch Joseph was placed by Putiphar as chief steward over his house, "and the Lord," says Holy Writ, "blessed the house of the Egyptian for Joseph's sake, and multiplied *all his substance*, both at home, and *in the fields*."[2] Hence we may assume that Putiphar was a land-owner of the modern type. And that he was not the only private land-owner, is placed beyond a doubt by the subsequent history of Joseph in Egypt.

During the seven years of scarcity the Egyptians came to Joseph to buy corn. At first they paid with money, afterwards with their cattle. "And they came the second year, and said to him: We will not hide from our lord how that our money is spent, and our cattle also are gone; neither art thou ignorant that we have nothing left but our bodies and *our lands*. Why, therefore, shall we die before thy eyes? We will be thine, both we and *our lands:* buy us to be the king's servants, and give us seed, lest for want of *tillers* the land be turned into a wilderness. So Joseph *bought all the land* of Egypt, *every man* selling *his possessions*, because of the greatness of the famine. And he brought it into Pharao's hands, and all its people from

1 Gen. XLI. 44.
2 Ibid. XXXIX. 5.

one end of the borders of Egypt, even to the other end thereof, except the *land of the priests*, which had been given them by the king: to whom also a certain allowance of food was given out of the public stores, and therefore they were *not* forced to sell *their possessions*. Then Joseph said to the people: Behold, as you see, both you and your lands belong to Pharao: take seed and sow the fields, that you may have corn. The fifth part you shall give to the king: the other four you shall have for seed, and food for your families and children. And they answered: Our life is in thy hand; only let my lord look favorably upon us, and we will gladly serve the king. From that time unto this day, in the whole land of Egypt, the fifth part is paid to the king, and it is become as a law, except *the land of the priests*, which was free from this covenant."[1]

Accordingly it was by a voluntary contract at the time of the great famine that the Egyptians gave up their landed property to the crown. It was returned to them, however, as hereditary fiefs under condition of the yearly payment of the fifth part of the produce, and thus a kind of feudal system was established throughout the kingdom. Up to Joseph's time, therefore, individual ownership in land was universal both in city and country; for it was the farmers who sold their free possessions to Joseph. Otherwise there would have been no foundation for the fear expressed by the Egyptians, that the *tillers* of the soil would die out, if not provided with seed and accepted by the king as his serfs. To this transaction as narrated in the Bible may perhaps be reduced the account of the distribution of the land under Sesostris as given by

1 Gen. XLVII. 18-26.

Herodotus according to the oral relations of Egyptian priests.[1]

Moreover, from the data of the historian of Halicarnassus,[2] as well as from the later accounts of Diodorus of Sicily,[3] this much appears clearly, that at least at the time of the Roman Republic both the priests and soldiers of Egypt owned vast landed possessions which were free from taxes. Two-thirds of the soil belonged to them, while one-third formed the royal domain whence the public treasury derived its revenue. How decidedly private property in land was developed in "the granary of the Roman Empire" at the time of Diodorus of Sicily, may be seen from

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1 The agreement between the narration of Genesis and the accounts of Herodotus and Diodorus Siculus concerning the king Sosostris or Sesoosis, who is supposed to be the same as Ramses or Rameses II., appears to Dr. Richard Lepsius so perfect that he considers it a proof of the identity of "Sethos, the father of the great Ramses," with "the Pharaoh of Joseph." "Sethos, the father of the great Ramses," he writes, "must certainly be the Pharao under whom Joseph came into Egypt. This is most indubitably confirmed by the unmistakable agreement which exists between the Hebrew account of the Pharaoh of Joseph, and what is related by others of King Sethos." Here follows the passage from Gen. XLVII. 20, etc. Then Dr. Lepsius continues: "We find the same great alteration in the agrarian conditions of the country, and connected with it the introduction of a general ground-tax, from which the priests alone were excepted, ascribed by Herodotus and Diodorus to the King Sesostris-Sesoosis" [who completed the work begun by his father]. *Extracts* from the work of Dr. Lepsius, entitled "*The Chronology of the Egyptians.*" Berlin, 1849. Revised by the Author, Page 480. (Printed with his *Letters from Egypt, Ethiopia, and the Peninsula of Sinai.* London 1858.)
According to other historians, Joseph was probably the "prime minister" of Apepi, the last king of the Hyksos dynasty, and Rameses II. the first oppressor of the Israelites. See Rawlinson, *History of Ancient Egypt*, vol. II. ch. XIX. p. 209 and ch. XXI. p. 336. (American edition.)

2 Hist. l. II. c. 168.

3 Biblioth. l. I. c. 73. Edit. Didot, 1842, col. 59.

what this historian says about the flourishing state of geometry in Egypt, for which he mentions, as a special reason, that the yearly inundations of the Nile used to change or destroy the landmarks, and that the quarrels caused thereby made frequent and accurate surveying a necessity.

Perhaps M. de Laveleye will, with an air of superiority, shrug his shoulders at our historical exposition. For our proofs are almost exclusively taken from Holy Scripture, and the strong-minded thinkers of our age are as high above this sort of argument as the clouds are above the earth. However, we are also able to offer proofs taken from *profane history*.

The most reliable *Egyptian* monuments demonstrate that in the remotest times the soil, at least in part, was owned by individuals. Of this, according to Mr. Birch, the keeper of the Egyptian antiquities in the British Museum and one of the most experienced authorities of the day, we have a proof from the beginning of the first period of Egyptian history of which the monuments hitherto discovered give accurate accounts.

"It is with the fourth Memphite dynasty," writes Dr. Birch, "that the history of Egypt begins to assume greater importance; the events recorded are no longer dependent for their remembrance on the glosses or curt notices of Greek epitomists, but the monuments of the country contain exact and temporary accounts of the events which took place.

"The first monarch of the line was Senefru or the Greek Soris. . . . The most remarkable event of his reign was the discovery of the mine of *mafka*, supposed to be the turquoise at Wady Magarah, in the peninsula of Sinai in Arabia. . . . A tablet at the mouth of the cave or ancient mine represents Senefru conquering

one of the people named *Mena nu sat* or 'Shepherds of the East.' . . .

"The names of different members of the family of Senefru are found in the sepulchres at Gizeh, and one of an officer named Amten, throws some light on the political state of the country. It records that some of his lands came to him by hereditary descent, while others were the gift of the monarch. . . .

"The successor of Senefru was Khufu or *Cheops*, probably the king best known in the annals of Egypt, on account of the great pyramid at Gizeh which was erected by him."[1]

Hence we have *inheritable private ownership in land* even at the beginning of the fourth Egyptian dynasty. Now, how far back in historical time has this dynasty, the dynasty of the "Pyramid Kings," to be placed? Archæologists and historians are unable to tell us exactly. But they all agree that it must be placed several centuries before Abraham.

"No historian of Egypt," says George Rawlinson, "places Abraham before the twelfth, or the later part of the eleventh dynasty."[2] From Senefru, therefore, to the patriarch Abraham intervene at least eight or nine dynasties which together certainly filled the space of several centuries. Dr. Lepsius attributes to Senefru's reign the years 3124-3100 B. C.[3] Max Duncker

1 *Ancient History from the Monuments. Egypt from the Earliest Times to B. C. 300.* By S. Birch, P. 31 seq.—From Messrs. Lenormant and Chevallier we learn, that "the tomb of one of the great officers of the King [Senefru], named Amten, has been discovered at Sakkarah, and transported to the Museum of Berlin." *A Manual of the Ancient History of the East to the Commencement of the Median Wars.* By François Lenormant and E. Chevallier, London, 1869. vol. I. p. 205.

2 *History of Ancient Egypt*, vol. II. ch. XII. p. 22, note.

3 Duncker, *Geschichte des Alterthums.* 5. Aufl. 1878. Bd. I. S. 64.

writes: "King Senefru's monument shows that these campaigns [to the Sinaitic peninsula] go back as far as the year 3000 B. C." And in another passage the same historian says: "At any rate, we may assume that the pyramid of Cheops was erected about the year 3000 B. C. and those of Chafra and Menkera not long afterwards."[1]

Hence it is an undeniable fact that very long before Abraham's time, before the great pyramids at Gizeh raised their lofty summits to the sky, there existed in Egypt landed ownership in severalty; and it existed as an established system; for who would suppose that the family of which the officer Amten was an offspring, should have been an exception to the common manner of property holding? Now, to call private property in land—in spite of such testimony—a modern institution and an invention of the "Jus Romanum," requires indeed the heroic courage of a self-confident professor!

The testimony from Senefru's reign is confirmed by many others belonging to the same period. In a detailed description of Egyptian culture, drawn up by Mr. Birch according to the numerous monumental records of the fourth Memphite dynasty, we read the following remarkable passage: "In private life the Egyptian lord led a charmed life—his estate was cultivated by slaves, his household full of domestics. . . . The chief occupation of the period, or at all events that most often represented in the tombs, was the inspection of the farm. The noble of the fourth dynasty was a great hereditary landed proprietor. He had the pride of a patriarch in his flocks and herds, his

1 Ibid. pp. 65 and 76.

numerous slaves or servants, his household of artisans and his boats on the great river Nile."[1]

M. G. Maspero, another great authority on Egyptian antiquities, tells us in his chapter on "Primitive Egypt" what was the system of taxation in the earliest times of that country. "The inhabitants of each *nome*" [district], he writes, "paid to the king and his officers a tax *en nature;* it was proportioned to their riches in real estates and its assessment demanded a frequent renewal of the census and of the public registers of estates."[2] The same scholar, speaking of the sepulchral edifices and funeral customs during the fourth and fifth dynasties, says: "In their life-time the great lords made with the priests formal contracts by which they deeded to such and such a temple lands and revenues in return for sacrifices to be offered according to custom at stated times. These lands constituted the goods of the tomb (les biens du tombeau) and had to furnish the meats, vegetables, and fruits, the linen, and all that is necessary for the outfit of a home and its stock of provision."[3]

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1 *Egypt from the Earliest Times*, p. 45 seq.

2 *Histoire ancienne des peuples de l' Orient* par G. Maspero, professeur de langue et d'archéologie égyptiennes au Collège de France, Directeur General des Antiquités de l' Égypte. 4me éd. Paris, 1886, p. 19. "Les habitants du nome payaient au roi et à ses fonctionnaires un impôt en nature proportionnel à la richesse foncière, et dont la répartition exigeait des recensements et des cadastres fréquents."

3 Ibid. p. 53 seq. "De leur vivant, les grands seigneurs passaient avec les prêtres de véritables contrats, par lesquelles ils donnaient à tel ou tel temple des terres et des revenues en échange des sacrifices aux époques réglées par la coutume. Ces terres constituaient les biens du tombeau et devaient fournir les viandes, les légumes, les fruits, le linge, tout ce qu' il faut pour monter et approvisionner une maison." "Maspero, *Egyptian Documents relating to the Dead*, dans les Transactions of the Society of Biblical Archæology, t. VII. p. 6-36." [Note of the French edition.]

Lenormant and Chevallier give us similar information. "We constantly find," they relate, "representations of scenes from domestic or agricultural life on the walls of Memphite tombs of the fourth and fifth dynasties. These pictures help us to investigate all the secrets of the patriarchal feudal life of the nobles of Egypt sixty [?] centuries ago. We seem to visit the large and flourishing farms scattered over their estates; we may know the numbers of their flocks, and the heads of cattle counted by thousands; their parks, where antelopes, storks, geese of every species were domesticated and kept. We may even see them in their elegant villas, surrounded by respectful and obedient vassals, or rather serfs."[1]

That by the side of the wealth and luxury of the great lords the lot of the ordinary man was by no means enviable will be easily understood. Vast wealth is everywhere followed by misery, as by a shadow, that it may bear in mind both its duties and its perishable nature. Indeed, from the accounts of the monuments, we learn that the condition not only of the slaves, but also of the free artisans and tradesmen was very burdensome. As a means of estimating the social condition of the Egypt of about 4,000 years ago, an admonition addressed by a clerk to his son during the twelfth Egyptian dynasty is peculiarly interesting.

It relates to the son's choice of a state of life. His father endeavors to persuade him to enter a learned profession as the avenue to great honors and to the most important offices. For this purpose he pictures the want and misery of the artisans in the darkest colors. Among other things he says: "The stone-

1 *Manual*, I. p. 208.

cutter seeks work on every kind of hard stone. When he has accomplished the labors of his craft, and his arms are enfeebled, then only can he take a rest; since from the rising of the sun he sits squatting over his work, his knees and spine are broken. The barber shaves until night: when he goes to his meal, then only lies he on his elbow to rest. He goes from house to house to find his customers; he breaks his arms to fill his stomach, as the bees which consume the produce of their work. The sailor sails down as far as Natho to earn his wages; when he has heaped toil upon toil, when he has killed geese and flamingos and worked hard—no sooner has he reached his orchard, no sooner is he in his house, than he must start again."[1] Thus the various crafts and trades are reviewed, one by one, and described in no flattering manner. The shoemaker, *e. g.*, is said "to be very miserable, indeed; he remains forever a beggar; his health is that of a dead fish; he gnaws at the leather to still his hunger."[2]

Concerning this account of the Egyptian artisans we must not forget, as Maspero justly remarks, that it comes from an old, opinionated clerk, who, in love with his profession, seeks to turn his son away from any handicraft and to persuade him to embrace a learned profession. Nevertheless, we may gather from it that, notwithstanding the personal liberty which they enjoyed, the working classes could only with difficulty make their way through life. We perceive, too, that with the exception of a house and perhaps a little kitchen-garden or orchard, they possessed no landed property. And from this we are entitled to

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1 Maspero, *Histoire ancienne*, p. 117.
2 Ibid. p. 118.

conclude that in Egypt common property in land did not exist. In fact, in the monumental records which have as yet been published, no mention whatever, so far as we can ascertain, is made of any sort of real, collective ownership. Hence we may assume that collective property was as little known to the Egyptians as it was to the Hebrews and, as we shall presently see, to the Assyrians and Babylonians.

As regards the earliest times of *Babylonia*, its history both political and chronological, is, notwithstanding all our excavations and researches, wrapt in obscurity even at this date. But of the degree of culture then attained, and the social conditions then prevailing, the Babylonian monuments give us many interesting particulars. Thus, *e. g.*, they illustrate, though with bitter satire, the assertion of the Liege economist, that private property in land is an institution of recent times and an invention of the avaricious Romans.

In the British Museum are preserved more than 100 *old Babylonian* private contracts written on small tablets of clay, and dating for the most part from the time of the Kings Rim-sin, Hammurabi and Samsi-iluna.[1] All these contracts are, *at the latest*, as is commonly admitted, of the thirteenth century B. C. Several archæologists ascribe them to the sixteenth or even eighteenth century B. C. Out of the whole number, seventy refer to the sale of houses and gardens, seven to the sale of gardens and burying-

1 For the following details on Babylonia we are indebted to the kindness of the Rev. J. N. Strassmaier, S. J., who for several years at both London and Paris has been engaged in the study and translation of old Babylonian inscriptions. The text of the contract which we are about to insert was first translated by Father Strassmaier and was communicated in 1881 to the Congress of Orientalists in Berlin.

places. As an example we subjoin the translation of a document belonging to the reign of King Rim-Sin:

"A garden and house, real possession and property of Sini-Nana, property and inheritance (?) of the sons of Ubar-Sin, are assured by contract; item by contract the house of Sin-azu, with Mi-nani, the son of Mikrat-Sin and Nini-ituram (or Ilani-ituram), his son. Sini-Nana, the son of Nini-sun, and Apil-nini, his brother, estimate it; 3½ *mana* of silver they pay as full price. Beyond the day appointed the payment shall not be delayed and they shall not go beyond the time fixed. The name of his king he shall call upon (swear)."

Then follow, as is customary in all other contracts, the signatures of the chief justice, of the clerks, of the contracting parties and of several witnesses. The documents are attested by seal-impressions on which we read the names of the proprietors and of several Babylonian deities. From this it is manifest with what scrupulous care private property, including the soil, was secured at so remote a period, long before Roman jurists could possibly confound the ideas of the *meum* and *tuum*.

A very remarkable testimony to landed property is an inscription belonging to the fourteenth century B. C. In the "Records of the Past" we read as follows:

"The stone upon which the inscription is traced was found on the western side of the Tigris, opposite the town of Bagdad, by the late lamented George Smith. Its date was considered by him to be about B. C. 1340, and to have been written during, or shortly after, the reign of Merodach Baladan, King of Babylon, and grandson of Kuri-galzu, who ascended the throne about B. C. 1370.

"This inscription records a grant of ninety acres of land made by the king to his officer Maraduk-zakir-iskur, in return for certain services rendered by him; and upon the back of the stone is a rudely-carved picture of the deities invoked to protect the property, and to punish any one who would remove the boundary-stone or wall.

"The strong language of the curses at the end of the third column at once remind us of the curse pronounced against those who remove their neighbor's landmark, Deut. XXVII. 17. . . .

"It is curious and suggestive, that similar precatory curses for the protection of individuals and property are of common occurrence in the Babylonian and Assyrian inscriptions."[1]

Still more interesting is a deed of gift, preserved in the "Cabinet des Médailles," at Paris (n. 702), and known as "the Paris Michaux Stone." "This monument is so called from the name of the traveller by whom it was brought over to France, in 1800. It was discovered near the Tigris, not far from the ruins of the ancient city of Ctesiphon. It is an ovoid basalt stone of 17 inches in height, by 24 in circumference."[2] Besides many symbolical figures, it contains two long columns of cuneiform inscriptions. In the first column we read, literally, as follows:

"The field is situated near the town of Kar-Nabu, on the bank of the river Mekaldan, depending on the property of Kilnamandu. The field is measured as follows: Three stades in length towards the east, in

1 *Records of the Past.* Being English Translations of the Assyrian and Egyptian Monuments. Vol. IX. p. 29 s. (The text of the three columns, pp. 31-36.)

2 Ibid. p. 92.

the direction of the town of Bagdad; three stades in length towards the west, adjoining the house of Tunamissa; 1 stade 50 fathoms in breadth towards the north, adjoining the property of Kilnamandu; 1 stade 50 fathoms up in the south, adjoining the property of Kilnamandu.[1]

"Sirusur, son of Kilnamandu, gave it for all future days to Dur-Sarginaiti, his daughter, the bride of Tab-asap-Marduk, son of Ina-e-saggatu-irbu (the pretended), who wrote this; and Tab-asap-Marduk, son of Ina-e-saggatu-irbu, who wrote this in order to perpetuate, without interruption, the memory of this gift, and commemorated on this stone the will of the great gods and of the god Serah."[2]

In the second column are found imprecations against all those, whether relatives or strangers, men or women, who should venture to displace the marks of the field, or to claim it for themselves or their superiors, or to change in any way its boundaries and area. Thus we read, for instance: "May Ninip, son of the zenith, son of El the sublime, take away his lands, funds and limits. . . . May Bin, the great guardian of heaven and earth, the son of the warrior Anu, inundate his field."[3]

The most eminent archæologists are unanimous in placing this stone-record before the year 1000 B. C. Of the later Babylonian periods, beginning with the eighth century B. C., thousands of conveyances and

1 "The field of Kilnamandu was a rectangle of 1 5-6 stades in breadth and 3 stades long, viz., 5½ square stades, amounting to 19,64 hectares or 48½ English acres. The Stone of Michaux is the only one which affords a valuation of the land. A fathom, 10⅓ feet, is the sixtieth part of a stade, 620 feet." [Note of the *Records of the Past.*]

2 Ibid. p. 94 s.

3 Ibid. p. 96.

deeds of gift are extant. Many of them have been translated and edited by the Orientalist, Julius Oppert, in Paris: thus, for example, one of the year of the accession of the King Nirgal-sar-usur, 559 B. C., which relates to the sale of a field, near the city of Babylon, and specifies exactly its site, boundaries, its produce of corn, dates, etc.[1]

For *Assyria* no less than for Babylonia the oldest historical accounts and monuments testify to the existence of private property in land. Already the manifold connections between these two powerful nations which, each in its turn, wielded the sceptre for so long a period over Asia, justify us in concluding with great probability from the Babylonian system of land tenure to that of Assyria, and this the more so as the whole Assyrian civilization is based upon and modelled after the Babylonian. In particular about Assyria Mr. George Smith, whose standard works on Assyriology enjoy even to-day the greatest authority, writes as follows: "There was property in land which in many instances remained in the family. The Assyrians had a system of leases, so that the land sold returned to its original owners, and provisions were made in the leases for alternate crops, in order that the ground might not be impoverished."[2]

The Assyrian monuments, too, have preserved a great number of conveyances of houses and lands. Many such contracts have been published by Sayce, Oppert, and others.[3] M. Lenormant writes of the

1 *Les tablettes juridiques de Babylone*, par M. J. Oppert. Extrait du *Journal asiatique* (n. 5, 1880), p. 6.

2 George Smith, *Ancient History from the Monuments*. Assyria from the earliest times to the fall of Nineveh. London. Page 14.

3 See *Records of the Past*, vol. I. p. 139; vol. VII. pp. 111 ss.

legislation of the Assyrians: "We know rather more of their civil [than of their criminal] laws, as many contracts have been found for the sale or hire of landed property and slaves; these contracts are stamped on tablets of clay, and baked to preserve them. The oldest of these date from the earliest times of the primitive Chaldæan empire, in the reign of Sin-Said; the most recent are of the Greek period, and the names of kings, Seleucus Philopator, Antiochus Epiphanes, and Demetrius Nicator, may be read on them. Some have been found relating to all periods during the whole of the long duration of the Chaldæo-Assyrian civilization. We learn from them with how many civil and religious guarantees the possession of landed property was surrounded in Assyria. It could not be transferred except by solemn and sacred formula, as well as by a deed registered by a public officer, and bearing the signature of a certain number of witnesses. When it was necessary to deposit a sum of money for security for the performance of the contract, the deposit was made in the treasury of a temple, and the priests were present at the execution of the deed. A carefully-prepared register, in which every change was entered, served as a state record of the titles to estates, and also as a basis for the imposition of taxes. Irrigating canals, very numerous throughout the country, and the principal source of its agricultural prosperity, entailed a great number of reciprocal duties and obligations among the land-holders; and infringements of these arrangements gave rise to the majority of civil actions brought before the tribunals of Assyria."[1]

Since Lenormant wrote this passage, many more

1 *Manual*, I. p. 424.

contracts have been found which belong partly to more ancient, partly to later periods—down to the first century B. C.

But why continue to accumulate such learned material? The testimonies already brought forward are more than sufficient to banish every doubt as to whether full private ownership of land was universally established since the earliest times of history. Nay, if we consider all the proofs which we have advanced and to which we might easily have added many more; and if we remember at the same time that, besides the numerous testimonies of the existence of individual property, we find no trace whatever of public collective property: M. de Laveleye's assertion, that the Romans invented private property in land, and that only at a late period collective ownership was superseded by individual ownership, sounds very strange indeed. With equal truth the learned professor might maintain that the English invented commerce and the Prussians the military art and gunpowder.

CHAPTER IV.

MR. HENRY GEORGE AND HIS VIEWS ON LANDED PROPERTY.

The most recent Champion of Agrarian Socialism has been given us by progressive North America, in the person of Mr. Henry George, who, if not in influence, at least in unflinching consistency and in powers of agitation, leaves all his predecessors far behind. Mr. Henry George has published several widely read works in which he develops and tries to prove his theory; the principal one is entitled "Progess and Poverty."

The author is undoubtedly, as his works prove, a man endowed with a clear mind and possessed of extensive knowledge, and has occupied himself seriously with the study of the questions he proposes. His exposition is plain and luminous, his language popular and at times passionately eloquent. No wonder that the number of those who hoped to find in him a deliverer was, for a time at least, rapidly increasing. How easily does the workman, oppressed by the burden and heat of the day, listen to the siren song of those who promise him more bread and better times!

In Germany, too, for some time a strong propagandism in favor of Mr. George's ideas has been carried on. The most zealous in this work is Mr. Michael Fluerscheim, who in the main perfectly agrees with the

American political economist, though he differs with him in minor points.[1]

What, then, are Mr. Henry George's views concerning landed property? We may thus summarize them from his "Progress and Poverty."

Marvelous—such is, in substance, the lofty beginning of our American economist—marvelous has been the progress of mankind since it succeeded in making steam and electricity subservient to itself. Had a Franklin one century ago beheld in vision the means of production and communication of our days, had he seen our steamers, our railways, our telegraphs, had he been shown our latest machines, doing nearly everything of which human hands are capable; what would he have inferred as to the social condition of the present generation? Would he not have supposed that the golden age of Saturn must have returned, and raised mankind, both physically and spiritually, to a height of happiness and advancement never before dreamed of?

But could he have known the real state of the case, bitter would have been his disappointment. Modern progress has not brought us that longed for happiness. In spite of the more numerous means of enjoyment, in spite of the increase of wealth in the case of many, louder and louder, and from all parts of the world, re-echo complaints of depression in industry, and of ever-growing impoverishment among the great masses of the people.

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1 Mr. Fluerscheim has written: *Auf friedlichem Wege* [On the Peaceful Path]; *Der einzige Rettungsweg* [The only Path to Safety]; *Deutschland in 100 Jahren* [Germany in a Hundred Years]. Since March 1887, he has been the editor of *Deutsch Land*, a monthly periodical to promote a peaceful reform of society.

Whence this sad phenomenon? The fact that the same state of things is met with in all civilized countries, proves that its cause must be universal. This cause cannot be found in the want of capital, nor in the excess of population and the scarcity of the productions of nature, but only in *ground rent*, and consequently in *private property* and speculations in *land*. For the greater our progress, and the larger the amount of newly-produced wealth, the larger also is that portion of it taken by ground rent. But in the same measure in which ground rent increases, the portion going to capital (interest) and to labor (wages) decreases. The arguments by which Mr. George seeks to substantiate this assertion, we shall, in order not to repeat ourselves, adduce later on.

However high, therefore, production may rise, and however greatly wealth may increase, the benefit thereof accrues finally only to landed property. And in this increase of the rent of land Mr. George sees also the chief cause of industrial and commercial crises. In a progressive community where the population is increasing and one improvement succeeds another, the soil must constantly increase in value. This leads to great expectations regarding future land values, and entices men to buy estates on credit, especially if the rate of interest is low. Consequently speculation forces land values to such a height that landed property cannot, under the existing conditions of production, any longer yield ground rent. This is especially true if in the meantime the rate of interest has again risen and the price of the products of the soil has gone down. When this comes to pass, production (in agriculture) necessarily stops; and on account of the interdependence of the present social conditions, the reaction

of the stoppage is naturally felt in all directions, and causes industrial and commercial crises.[1]

Having thus discovered the source of our present social evils, particularly of social inequality, of immense wealth by the side of enormous misery, we cannot but perceive immediately what must be the true remedy. This can be nothing else than the *complete abolition of private property in land* "We must make land common property."[2] All the other remedies that have been proposed are only half-cures. This alone strikes at the root of the evil.

But is this remedy *just?* It is, replies Mr. George, for private property in land is unjust. Why so? Because labor alone can be the just title of ownership, and the soil cannot be the fruit of human labor. The soil has been created by God for all alike. All men have the same nature, and consequently have also the right to exist, and the same claim to the powers of nature offered to mankind by the Creator.

Furthermore, if private property in land is unjust, it necessarily follows that their property ought to be taken away from the actual private landholders *without granting any compensation*,[3] because they, as unjustly possessing the property of others, are but thieves on a large scale.

But now arises the practical question: How shall the compulsory dispossession of the actual land owners be brought about? Will not such a violent and radical measure shake society to its lowest foundations and endanger its very existence? Mr. George reassures us.

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1 *Progress and Poverty*, bk. V. ch. I. p. 238. (In this treatise the New York edition of 1887 is referred to.)
2 Ibib. bk. VI. ch. II. p. 295.
3 Ibid. bk VII. ch III. p. 327 seq.

He thinks he has found a means quite easy of execution and devoid of all danger, to transform private property in land into the property of the community, or, in other words, to "socialize the soil."

As the French do not refuse the expelled Orleanist pretender the pleasure of calling himself King of France, so may we apparently and nominally leave our actual land owners their legal titles. We need do nothing else than *claim for the State*, in the *form of a land tax*, the present *ground rent, i. e., the whole of the revenue from the soil* which does not come from labor and capital, but from *landed property as such.*[1] All other taxes which press so heavily on industry, commerce, and trades, should be abolished. The consequence would be an astonishing impetus given to all kinds of industrial life.

The rich income thus obtained should first be used by the State for defraying the public expenses. What then remains should be employed for public uses, as for instance, education, watering places, museums, libraries, theatres, etc. Mr. George unhesitatingly affirms that the adoption of his proposals would banish social want, and greatly advance both material and intellectual progress.

These are the esssentials of the system which, on the other side of the ocean, has of late been vehemently discussed in popular meetings and public prints.

But let us now turn to the critical part of our task, and put to a test the value of the principal tenets of Mr. George's doctrine.

Since we have already considered private property in land in the light of history and traced it back to the

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1 Ibid. bk. VIII. ch. II, p. 364.

very origin of mankind, we need not occupy ourselves with the historical considerations of Mr. George. In this respect he advances no new proof whatever in favor of his theory, but only repeats what M. de Laveleye has said before him. Having before his eyes the numerous literary and artistic monuments of antiquity, those stony witnesses to private property in land which several thousands of years could not deprive of their power of giving evidence, the reader, if he turns again to the historical chapter of "Progress and Poverty," will with a peculiar relish peruse the pages containing passages like these:

"Historically, as ethically, private property in land is robbery . . . it has everywhere had its birth in war and conquest, and in the selfish use which the cunning have made of superstition and law."

"'In all primitive societies,' says M. de Laveleye, as the result of an investigation which leaves no part of the world unexplored—'in all primitive societies, the soil was the joint property of the tribes and was subject to periodical distribution among all the families, so that all might live by their labor, as nature has ordained.'"

"If M. de Laveleye be right in this conclusion, and that he is right there can be no doubt, how, it will be asked, has the reduction of land to private ownership become so general?"[1]

History, however, we surmise, was brought in by the author of "Progress and Poverty" rather as a rhetorical ornament or illustration. His chief attacks on individual ownership in land are of quite a different nature. He considers it from a *politico-economical* and

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2 Ibid. bk. VII. ch. IV. p. 333 seq.

from an *ethical* stand-point, and accordingly advances two kinds of arguments against the institution of individual land ownership. The arguments taken from *political economy* are calculated to show that private property in land necessarily leads to the impoverishment of the great bulk of mankind; those derived from *natural right* tend to prove that private property in land is unjust, and contrary to the intentions of the Creator. Let us enter upon an examination of these arguments.

CHAPTER V.

PRIVATE PROPERTY IN LAND IN THE LIGHT OF POLITICAL ECONOMY.

Is private property in land answerable for the present increasing pauperism? Mr. Henry George says it is! Let us hear his arguments.

Three factors combine in production: *land*, *capital*, and *labor*. Among these the total amount of the new wealth yearly produced is divided. That part of the product which accrues to the owner of land as land owner is called *land rent*, or, simply, rent.[1] What remains goes as *interest* to capital and as *wages* to labor. If we represent this relation in algebraic form, we have the following equation:

Produce=Rent+Interest+Wages,

and hence by subtraction,

Produce—Rent=Interest+Wages.

Now, according to Mr. George, it can be shown in two ways that with increase of productive power the *land rent* continuallly increases, interest and wages remaining the same or even going down. Consequently, an ever-increasing portion of the natural

3 The above meaning of land rent, therefore, which is almost universally accepted in political economy, does not coincide with the rent of popular parlance. According to the latter, we speak of land rent only when the land owner does not himself cultivate the soil, but leaves it to another for cultivation, receiving in return a yearly remuneration. In political economy, however, land rent means in general that part of the product which goes to the land owner as such, deducting all that is due to improvements, because these represent capital and labor.

produce must accrue to landed property, to the detriment of capital and labor.

The *first* proof for the continual increase of land rent and decrease of interest and wages is taken from "Ricardo's Law of Rent," which is recognized as correct by most political economists. According to this law the rent of land is determined by the *excess of the produce of an estate over that which the least productive land will yield with the same application of productive power.* In other words the return of the poorest land cultivated represents the highest limit of that part of the produce which labor and capital generally receive even when spent on the most fertile estates. Everything above that limit goes to the land owner as such, and is called ground rent. But this excess becomes with the increase of agriculture and of population larger and larger, because it is always the best land that is brought under the plough. As population goes on increasing, poorer and poorer soil is reclaimed, until at last such land has to be cultivated as yields but the bare expenses of production. This point determines the lowest limit of agriculture. Land of inferior productiveness remains untilled.

Now, this law of ground rent gives us the key to a fact otherwise inexplicable, namely, that notwithstanding the increase of productiveness and wealth, the population falling a prey to pauperism is becoming greater and greater. For the law shows us that with increasing productiveness the *land rent is steadily rising*, and in the same proportion as wages and interest decrease. The progress in productiveness essentially benefits only the land rent. Now, since nature, left to itself, in spite of its resources yields no ground rent, it follows that private property in land is nothing else

but the prower of appropriating an ever-increasing portion of the products gained by capital and labor.[1]

Such, then, according to Mr. George, is the sentence of death passed on landed property by political economy properly understood. But we reply, first *indirectly;* the *conclusion* arrived at by Mr. George is *in contradiction with the most patent facts;* hence it is untrue, and consequently his argument must be unsound.

For, what do statistics show in reference to the assertion that ground rent swallows up a steadily increasing relative portion of the national wealth? Let us choose, for an example, the gross income of Great Britain (England and Scotland), of which we have accurate accounts before us.[2]

In Great Britain the *total estimated revenue, i. e.*, the sum of all incomes above £150, was:

In 1843	£251,013,000
In 1882	505,242,000

The *population* was:

In 1843	19,016,000
In 1882	30,192,000

The estimated income from *landed property* in Great Britain was:

In 1843	£76,228,000
In 1881	174,308,000

The ratio of the income from landed property to the total estimated revenue was, in 1843, 30.4 per cent.; in 1881, 32.1 per cent. It remained, therefore, during this whole period, *almost the same*, notwithstanding the

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1 *Progress and Poverty*, bk. III. ch. II. "Rent and the Law of Rent."

2 The following details are taken from the *Handbuch der politischen Oekonomie*, by G. Schoenberg, 2nd ed., vol. I. p. 687.

great increase of population. But, in addition to this, it must be noticed that in the meantime there was a considerable change in the relation between the revenue derived from *land alone* and that which was derived from *houses*, both of which together (land and houses) go to make up the landed property just mentioned. In 1858 the income from land alone was £48,915,000, and from houses £52,143,000; in 1881, from land alone, £59,311,000, and from houses, £114,255,000. If we, therefore, consider *only* the revenue from *land*, to which Ricardo's law properly applies, the above figures demonstrate irrefutably that *its share* in the total estimated national revenue of Great Britain was *much smaller* in 1881 than in 1859 and 1843. "The portion," says Schoenberg, "of the income from possession in land and from husbandry has been reduced more and more in comparison with the enormously increased revenue from industry, commerce, navigation, and house property."[1]

The assertion, then, that land rent absorbs a steadily increasing relative portion of the national wealth, is, in the main, in contradiction with the reality of facts.

What is true of Great Britain, may be asserted likewise of the European Continent. Fast and gigantically increasing fortunes are not to be sought among land owners, but among merchants, manufacturers and bankers. Had Mr. George's argument any value whatever, the land owners on the Rhine and in Westphalia would be to-day actually wallowing in wealth. But such is not the case. Quite recently the great distress of both large and small land owners was openly acknowledged in the Prussian Diet by the repre-

1 Ibid. p. 688.

sentatives of the Government and by all the parties of the House. Baron von Schorlemer-Alst, who is certainly an authority of the first rank regarding the condition of landed property in Prussia, and especially in Westphalia, did not hesitate to compare the condition of German agriculture and German property in land to a ship that is passing through the breakers.[1] Nay, he spoke of a universal panic among agriculturists. The peasantry, even if they cultivate their *own* soil, and gain for themselves the ground rent in the politico-economical sense, are in many cases scarcely able to keep themselves afloat.

Similar complaints of agricultural retrogression are heard from Austria, Italy, France, etc. Listen, for example, to the complaints with which Count de Mun and the other conservative members of the French Chamber of Deputies—for the most part landed proprietors—supported their motion concerning the change of the hereditary laws of the "Code Civil" (art. 826 and 832): "Agriculture is menaced in its very existence, it is breaking down under grievances pressing upon it; and the importance and difficulty of this question, with which is bound up the future of the nation, are manifest to the eyes of all." And now comes Mr. Henry George, telling us, as a universal fact, that land rent is everywhere continually increasing and absorbing a larger and larger relative portion of the national revenue!

However, we will not content ourselves with this indirect answer. We can also point out *directly* the mistake in his argument. Mr. George, taking a one-sided view of the case, considers only the causes which

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1 Abgeordnetenhaus, Session April 27th, 1887.

raise rent, while he almost entirely loses sight of the counter causes which make it go down.

Certainly, from Ricardo's law of rent, it would follow that a continually increasing portion of the total produce of a nation would go to landed property, if we had an *isolated* State in which the population was continually augmenting and all importation was impossible. For in this case the demand for agricultural products would certainly increase, and consequently the price, and also the rent of the land, would steadily rise. But no such country exists nowadays.

By the perfect means of communication we enjoy to-day, even the remotest countries are brought near one another. Steamboats and railways, together with the telegraph, have made the whole globe one large mart. The products of America and Australia are offered for sale in every European market. Mutton killed in Sidney and Melbourne is consumed fresh in London, and the grain of the United States fills our magazines. On the other hand, the products of European industry are nearly as easily obtained in Japan, China, and Hayti as in our country towns.

By reason of this improved communication there sprung up among all countries a competition for the products of the soil. If their price, in a densely populated part of the world, has risen to a certain height, foreign products will be imported in great quantities. The price of the native products will thereby be lowered again, and consequently the land rent will also fall. This pressure will perhaps be felt by agriculturists the more keenly, because meanwhile wages will have risen in consequence of industrial and commercial activity, and of the migration of the country population into the cities, or even their emigration to foreign lands.

It will, therefore, be much more difficult for the agriculturist, especially the small farmer, to procure the necessary labor, and also the capital he requires, in small quantities and at a low rate of interest. All these causes naturally re-act on the rent. That these considerations are by no means imaginary, but correspond to the real state of affairs, every one knows who is but superficially acquainted with our agricultural condition.

Moreover, in order to see that the asserted disarrangement of the national income in favor of land rent is an idle fiction, one has only to remember that accidents, such as bad harvest, damage by frost, hail, inundation, murrain, and the like, fall in great part on landed property, whereas they are scarcely felt in industrial and mercantile circles, on account of the facility of supplies from foreign lands. Nor can it be replied that to-day it is easy for a landed proprietor to protect himself by insurance against such misfortunes. This facility may indeed exist; but, unless mutual insurance associations are established among the land owners themselves, the premium is only a tribute which agriculture has to pay to capital, and hence insurance is but a new channel by which the revenue from the soil flows, not to landed property, but to capital.

Finally, who does not see how deeply the peasantry of the Continent are involved in debt, and, as a consequence, how much of the agricultural income falls to sharpers, both Jew and Gentile, who know how to take advantage of the peasants' embarrassment and distress? In Germany, usury swallows up a good deal of the income from the soil. Now, it is evident that such conditions are not without their effect on rent.

Of the taxes which press so heavily on landed property, and which the land owner cannot avoid so easily as the capitalist, we do not speak at all; nor of the oppressive military conscription, which is much more injurious to the farmers than to any other class of the population.

What has been said suffices to show how untrue is Mr. George's assertion, that in general a steadily increasing portion of the national income flows as rent into the pockets of the land owners.

Hence also disappears for the most part the incentive to bold speculations in the soil. For speculation will only reach great proportions when large returns are to be expected. For the rest, we do not defend unlimited freedom in buying and selling landed property, still less is such freedom in our eyes the highest ideal to be aimed at. We only maintain that, because of accidental abuses made of landed property, it does not follow that the latter ought to be abolished. Let abuse be removed, but right use maintained. So long as a physician is in his sound senses, he will not cut off his patient's head in order to cure a tooth-ache.

It is possible that on account of the peculiar condition there obtaining, speculation in land proves particularly detrimental in North America, and sometimes causes economical crises. There the population is fast increasing. New tracts of land, which hitherto have not come under the plough, are ever being subjected to cultivation. Such circumstances allure to speculations. But these are peculiar conditions which require peculiar remedies, and in nowise warrant those universal conclusions at which Mr. George arrives by abstract politico-economical reflections.

But, replies the author of "Progress and Poverty,"

where does the increasing national wealth go? Is not Produce=Rent+Interest+Wages a true equation? Now, there is no doubt that, in spite of increasing cultivation, interest and wages are not enhanced; hence the increase of production benefits only rent and landed property. This is Mr. Grorge's *second* argument for the steady increase of the portion of national income going to rent.[1]

Here two assertions are made: in spite of increasing productiveness (*a*) interest does not increase; and (*b*) wages do not increase; therefore, neither does their relative portion of the total revenue; and consequently *rent must increase.*

(*a*) Let us first examine the assertion regarding *interest* or *capital.* By capital we understand all means of labor, with the exception of the resources of nature and human forces; consequently, not only money, but also machines, factories, means of communication, and the like.

Now, is Mr. George's statement true that with increasing productiveness interest does not increase, but sometimes even decreases?

We answer with a distinction. If by interest is understood the interest of any particular sum of money, the statement may be correct. But if by interest is understood the *total amount of all interest* which falls to all the parts of the existing capital, the assertion, taken in its generality, is not true.

In order to see this, we need only bear in mind that the actual capital is not unchangeable, but—in a country where production flourishes—increases rapidly.

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1 *Progress and Poverty*, bk. III. ch. V. and VI. Laws of Interest and Wages.

In consequence thereof, it may happen, and not unfrequently does happen, that the interest of any single part of the capital decreases, so that the rate of interest falls, for example, from 10 per cent. to 6, or 5 per cent. Yet notwithstanding this, the *total amount* of interest accruing to the considerably increased capital may have become much *larger*. If at one table twenty persons are seated, and at another five, and if to the former ten pounds of bread are distributed, but to the latter only five, there will be twice as much bread consumed at the first table as at the second; still, every individual of the first table receives only half as much as those of the second table.

As long as a country is new, counting only a small population, and having its political and social conditions but little settled, there exists, as a rule, little capital, but perhaps a vast and very promising field for lucrative enterprises. Capital, therefore, is in demand, but the advancing of money is attended with great risks. Consequently the rate of interest will be high. Thus, in California 20 per cent., and even more, was formerly paid for money borrowed. But to-day interest has gone down, because the country has entered upon a more quiet and more regular development. Capital has increased enormously, and labor, in consequence of immigration, especially from China, has become much cheaper. Yet in California to-day capital receives a much larger portion of the wealth produced than before.

If we apply the distinction just made to Mr. George's argument, it is easy to discover his mistake. In the formula Produce=Rent+Interest+Wages, the term "Produce" signifies the total increase of wealth which a nation obtains within a definite period, say, one year.

Consequently also the factor "Interest" signifies not the return of any single part of the capital, but the *total sum* of the returns of the whole. But this sum becomes with increasing cultivation not smaller, as Mr. George asserts, but, as a rule, it becomes larger.

(*b*) Equally false is the other assertion that the *relative share* of *labor* (*wages*) is steadily decreasing.

True, Mr. George appeals to a principle which is accepted by many political economists and applied especially by Lassalle, viz.: that wages, *in spite of the increase of productive power, constantly tend to a minimum which will give but a bare living.*[1]

But even if this principle were granted without restriction — and, according to our view, it cannot be granted without essential modification—nothing would be gained for Mr. George's assertion. For he takes the word "wages" in the above formula (Produce= Rent+Interest+Wages) in an entirely *different* sense from that employed by political economists in the aforesaid principle, and thus he is guilty of a confusion of terms that is not to be expected from a man of his acuteness and knowledge.

As Mr. George himself correctly teaches, the word "*wages*" may be used in a twofold meaning—in the *proper* and strict sense, as "compensation for hired labor," and in an *improper* and wider sense, as return or gain of labor—"all earnings of exertion." In this wider sense "wages" comprehends all that is acquired by labor. The wages of the husbandman is the rich harvest as far it is the fruit of his exertion, assiduity, and skill; the wages of the merchant is the gain which he earns from his business by his activity.

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1 Ibid. bk. I. ch. I; bk. III. ch. VI; bk. V. ch. II; pp. 15. 192. 154

Now, if in the formula Produce=Rent+Interest+Wages, the last term is taken in its *proper* meaning, the formula is manifestly false. For where would be the portion of the produce due to the industry, ability, invention of *manufacturers*, *tradesmen*, etc.? The fruits of their labor and enterprise evidently cannot be considered as *wages properly* so called, that is, compensation for *hired* labor.

But if many political economists with Lassalle and other socialists maintain that wages are tending to a minimum which will give but a bare living, they speak, as has already been stated, of *wages in the proper and stricter sense of the word.* Hence, also, it is that Socialists desire to do away with every form of working for hire, and to deliver the workman from the tyranny of capital. We, at least, would be at a loss to name a political economist who ever dared to affirm that all income from labor falling to manufacturers, merchants, bankers, etc., tends to a minimum which will give the bare necessaries of life. They affirm this only of those *working for hire*, especially of operatives in factories.

In support, therefore, of his formula Produce=Rent+Interest+Wages, Mr. Henry George cannot lay claim to the above principle of political economists, since the latter speak of wages in a different and much stricter sense. Still, he frequently refers to it in the course of his work. He therefore plays constantly with an ambiguous term, which both in common parlance and in political economy has a very different meaning from that in which he uses it. All that political economy says of wages in the *strict* sense Mr. George extends in the twinkling of an eye to wages in the *broader* sense, and thereupon he builds his

attacks against rent and private property in land. Such confounding of ideas might be intelligible in a lawyer pleading at the bar; but in a political economist who pretends to place his scienee on a new basis it is altogether unbearable.

It is, therefore—so much our examination has shown beyond doubt—unproved, nay, untrue, that with increasing production an ever increasing portion of the national wealth flows to the proprietors of the soil, to the prejudice of capital aud labor. Thus, Mr. George's objections against landed property, derived from political economy, are sufficiently refuted. Hence we may take leave of him for the present, to meet him in the next chapter on another field, that of natural right.

CHAPTER VI.

PRIVATE PROPERTY IN LAND IN THE LIGHT OF THE NATURAL LAW.

The arguments from political economy by which Mr. Henry George would overthrow private property in land, have completely failed of their purpose. Of this, we think, we have convinced the reader.

But our political economist lays his axe still deeper to the root of the old system of landed property holding, which, according to him, not only exercises a fatal influence on the distribution of wealth, but is even contrary to *natural right.* Hence, far from being an institution of natural right, as is commonly thought, it is diametrically opposed to it.

Before however, examining, the reasons which Mr. George advances for his bold assertion, it is indispensable that we should lay before the reader some principles which will be the foundation for our subsequent discussion.

What is the *right of property?*

The right of property in general signifies the moral power of claiming a thing as *one's own* and excluding others from using it at will.

What do we mean when we call a thing our own, when we affirm: this object is mine, it belongs to me; that is yours, it belongs to you? We intend thereby to signify that it stands in a peculiar, intimate relation to us, by virtue of which it is destined for our use and benefit.

Two classes of rights are to be distinguished: *real* rights (jus in re), and rights of *claim* (jus ad rem). In virtue of a *real right*, a thing already belongs to us, so that we may dispose of it freely as our own. A *right of claim*, however, is only the right of demanding that a thing should be surrendered to us and be made our own. Such a right is that of a creditor to receive from his debtor a certain sum of money at an appointed time.

Now, the *right of property* (dominium proprietatis) belongs to real rights; yet not every real right is a right of property. By right of property is understood only that right in virtue of which *we*, to the exclusion of everybody else, may permanently and freely dispose of a thing as *our own* for our benefit. Hence it is also called the full exclusive dominion of a thing.

We distinguish, for example, between the *tenant* and the *proprietor* of an estate. The *tenant* has only the right of usufruct, which is a derived and subordinate right. He must acknowledge another as the real *master* of the estate, invested with a higher right. He cannot strictly call the object (the estate) his own, but only the usufruct, during a determined time. To the *proprietor*, however, belongs *per se* the full and free right of disposal, and no one else has a higher or equal right to the same object. Nevertheless, this right may be sometimes restricted (dominium imperfectum). For the *right* itself is one thing, its *use* another. Only the *right* of free disposal is essential to proprietorship, not the *use* of this right. Thus an heir under age has, after the death of the testator, a true right of ownership to the inherited goods; he is their real *owner*, and yet he has not the use of his right. In a similar manner, he who leases his house or farm, retains in

reality the *right* of disposing of these possessions, but the *use* of it is restricted by the terms of the lease. Consequently he can make use of his right only as far as the right of the lease-holder permits. When the contract ceases, the full use of his right reverts to the proprietor.

Property in the *objective* sense, or *objects* of full ownership, are only external material things. Hence it is that nearly all the older expounders of the Jus Romanum and many theologians also, define ownership as "the right of fully disposing of a material object within legal bounds."[1]

From the clause—within legal bounds—it is manifest that the Justinian code also never knew an *absolutely unrestricted* right of property. Not only was the subordination of human proprietorship to the supreme dominion of God never questioned in the Christian Roman Right, but the principle was universally acknowledged, that positive law, according to the *necessary* demands of the public weal, could restrict the valid as well as the licit use of private property, especially in land. Proofs of this are the so-called *legal servitudes* which, for the sake of the public interest, limited in many ways the free disposal of landed property. Here the principle was undoubtedly admitted, at least practically, that private ownership is confined within the bounds demanded by the public welfare.

Let us now return to Mr. George. The question, therefore, is this: May a private individual (a physical person) or a private society (a moral person) become the owner of the soil? Mr. George grants that every

1 Jus perfecte disponendi de re corporali, nisi lege prohibeatur. (Bartolus)

one may acquire property in *movable* things, for example, tools, machines, flocks, furniture, etc. But he asserts that both individual and corporate ownership in *land*, that is, in fields, meadows, forests, building lots, mines, etc., is *contrary to natural right* and consequently *unjust*.

His argument may be summed up in the following syllogism: A single individual can call *only* that his own which is the produce of his labor; now, the soil is not the produce of his labor; hence he cannot call the soil his own.

Whosoever grants the major proposition of this argument, must undoubtedly grant the conclusion. For if a man can have a proprietary right *only* to the produce of his labor, and consequently if labor is the *only* source of ownership, it follows immediately that no indefinitely lasting ownership can be acquired over the soil as such. The soil exists before all labor, and yields many advantages entirely independent of labor.

It would be vain to object against Mr. George's argument, that the agriculturist expends labor and capital on his farm, and that there may occur many cases in which it can scarcely be decided how much of the value of an estate is due to labor and capital. From this it would only follow that the farmer has the right to gather the fruits of his labor, but not that he has the right of permanently excluding all others from the use of the same land.

Perhaps one might urge that the proprietor, continuing to expend new labor on his field, will ever continue to be entitled to exclude others from its simultaneous use in order that he may get the fruits of his labor.

We reply: If labor is the *only* title of ownership, whence does the land owner derive his right to *exclude others* permanently from his estate, supposing that they also wish to cultivate *this same piece of ground*, especially if no other land is to be had? He may have a right to compensation for the labor already expended; but the right of excluding others permanently from the advantages which the soil offers as the previous condition and basis of labor, cannot be derived from the sole right to the produce of labor.

But the *major proposition* from which Mr. George starts is not true, and accordingly his argument collapses. Labor is neither the *original* nor the *exclusive* source of proprietorship, as he asserts.

Labor is not the *original* source of proprietorship. Let us hear what proof the author of "Progress and Poverty" advances for the contrary assertion. "What is it," he asks, "that enables a man to justly say of a thing, 'It is mine!' From what springs the sentiment which acknowledges his exclusive right as against all the world? Is it not, primarily, the right of a man to himself, to the use of his own powers, to the enjoyment of the fruits of his own exertions? . . . As a man belongs to himself, so his labor when put in concrete form belongs to him."[1]

From these statements, strictly speaking, nothing more would follow than this: that a man has a right to the produce of his labor, hence that labor is *also* a source of proprietorship. Besides, the principle from which the writer proceeds, that a man belongs to himself, is not correct. Man is not his own master nor the proprietor of his own faculties. With all he is,

1. *Progress ana Paverty*, bk. VII, ch. I. p. 299 seq.

he belongs to God as his master and lord. But he has the right of *usufruct* of his faculties, and can therefore demand that no one hinder him in their free use, and he can properly call the fruit of his labor his own. Yet from this it does not follow that labor is the *original* title of ownership.

In order to understand this better, we must again distinguish well a twofold right: the *general right of acquiring property*, and the *right of possessing property*, The former is only the general moral power of *being able to acquire* property without reference to any object in particular; the latter is the right of free disposal of a *determined* object as our own.

The right of *acquiring property* is vested in every man from the first moment of his existence. Even the child of the poorest beggar is clothed with this right from the very cradle. He *may* acquire property. may at some future time become a millionaire. With regard to this right all men are by nature equal. No man can say to a fellow-man: "I have from my birth a greater right of acquiring property than you have." Hence it is that this right does not depend on the labor of the individual. It forms rather the previous condition and *basis* necessary, in order that we may by some fact become proprietors of a determined object. Without that right even the most laborious work could never procure a right of property to a determined object. For, taken by itself, labor is a mere fact like any other. But only in connection with general principles of right can a fact establish a right of property.

For this right, therefore, of acquiring property, we must seek a deeper and more universal basis than labor. And this basis Christian Ethics has always

found in the will of the Creator and Ordainer of all things. The consideration of God's wisdom forces us to believe that He has invested men with all those rights which generally are required for their maintenance and development, as well as for the fulfilment of their vocation in society. But the right of acquiring property belongs to the necessary rights. Consequently He has invested all men, without exception, with this right; the granting of natural rights being determined, not by what is required in exceptional cases, but by what is required as a rule.

Nor does Mr. Henry George contest this right in any way. He only denies that it extends to the soil. But, we ask, what entitles him to such a restriction? From the right itself of acquiring property such a restriction certainly cannot be derived. God has given that right to man *universally* and without restriction, and *without restriction* it has been exercised by all mankind up to the present day. To whom then does it belong to limit it to a certain kind of goods only? Are not all external things useful for man, meadows and fields as well as tools and food? Nay, is not the possibility of acquiring property in *land* the necessary and indispensable supposition for the development and permanence of the *family*, without which a prosperous development of society and the hereditary transmission of the moral and religious traditions of mankind would be impossible?

But though it be granted that labor presupposes the general right of acquiring, does it not at least give the original title of *possession?* For, even supposing man to be endowed from his birth with the general right of acquiring property, the further question remains, how does he become the owner of a *determined*

object, for example, a garment or certain fruits? For this, evidently some *fact* is required in virtue of which one can consider a certain thing *one's own.* Now, according to Mr. George, the original fact on which is based the proprietorship of a determined object, is *labor.*

Against this we maintain, according to the teaching of sound jurisprudence, that not labor, but *occupancy* is the original title of acquisition. God created earthly goods for mankind, but He did not assign them to any one in particular. In the beginning there was a *negative* communion of goods, as it is styled. Temporal goods had not yet any particular proprietor. They were, therefore, ownerless (*res nullius*), but could be taken possession of by any one. Accordingly the judicial axiom was here applied: *Prior tempore, potior iure* (first in time, first in right). Of course for this occupancy not a mere determination of the will was required, but also exterior acts as now, which manifested that will to others. Especially was it necessary that the object should be marked as one belonging to a private proprietor, and this very condition made an unlimited occupancy impossible.

As soon, therefore, as any one took permanent possession of an object until then belonging to nobody, that object, whether land, animals or fruits, became his private property; and, consequently, he could exclude others from using it simultaneously and at pleasure. By this action he violated nobody's right; he only made use of the right vested in himself of acquiring property. And this same right has belonged to man since his appearance on this globe of ours, and will belong to him till the end of time. Nor is the right of taking possession of things that have no

owner, without importance to-day. True, land—at least in civilized countries—will seldom be without an owner; but concerning movable things, even in the most populated parts of the world, occupancy is the original and by no means insignificant title of ownership. The hunter who kills a beast in the forest or a bird in the air, the fisherman who succeeds in taking fish with his net, becomes from the first moment of occupancy owner of his booty. He who finds precious stones or pearls or shells, he who takes delight in collecting flowers or catching insects, becomes proprietor from the moment of occupancy. How many poor people in the neighborhood of large towns gain a living by gathering wild fruits, where the right to do so has been left them? Moreover, we should not leave out of the question objects that are thrown away or relinquished, and which likewise become private property by occupancy.

Let no one object that *occupancy* itself is a kind of *labor*, and consequently that even according to our view labor, after all, is the original title of possession. For when Socialists, and with them Mr. Henry George, speak of labor as in the above-mentioned syllogism, they do not mean human activity indiscriminately, but only *productive* activity which creates new values, or at least enhances the values already existing. According to our American theorist, that alone can be private property which human labor has *produced*.[1] Just on that account the soil is not an object of private ownership, because it is not the produce of human labor.

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1 Ibid. bk. VII, ch. I, p. 302 seq. "Things which are the produce of labor"—"things [which] embody labor, are brought into being by human exertion."

That Mr. George, as a matter of fact, does not understand by labor every human exertion, is shown by his sharp invective against *occupancy* as the original title of acquisition. The deduction of individual ownership from priority of occupation is, according to him, "the most absurd ground on which land ownership can be defended." And why? He answers with the indignant exclamation: "Priority of occupation give exclusive and perpetual title to the surface of a globe on which, in the order of nature, countless generations succeed each other! Had the men of the last generation any better right to the use of this world than we of this?"[1]

This oratorical outburst is rather ludicrous; for it proves that Mr. George lacks an accurate idea of occupancy. Occupation itself does not give perpetual ownership. With the death of the first proprietor his claims of ownership are extinguished. But, as every other proprietor, he has a right to determine the heirs of his property, or at least to demand that his family shall succeed him in his rights. The juridical title, therefore, of the second generation is not occupancy, but hereditary succession. If Mr. George wishes to contest the right of hereditary succession, he must do so with regard to movable as well as in the case of immovable goods, or at least he must demonstrate why movables, and not immovables, should be inheritable. This demonstration he has not yet offered.

By means of a comparison, Mr. George tries to show us that occupancy cannot be the basis of an exclusive right of ownership to a piece of ground. "Has the first-comer at a banquet," he asks, "the right to

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[1] Ibid. p. 309.

turn back all the chairs and claim that none of the other guests shall partake of the food provided, except as they make terms with him? Does the first man who presents a ticket at the door of a theatre and passes in, acquire by his priority the right to shut the doors and have the performance go on for himself alone?"[1]

By this comparison, our polilical economist refutes himself, as he might have found out in Cicero[2] and in St. Thomas Aquinas.[3] He who appears first in a theatre has not the right to exclude others from the theatre, but he has the right to choose his seat and to hold it against everybody else. Whosoever would remove him from his seat against his will would wrong him. Just so it is with the occupation of this earth. God has appointed the entire vast terrestrial globe for mankind as their residence and field of labor. He who makes his appearance on earth first, may choose at pleasure his dwelling-place. He may fence in his field, build his house, and call both his own, as long as he lives. Those who come later may likewise choose their dwelling-place, but they have no right to drive away the first-comer from his house and home. And the very same right of choosing a dwelling-place belongs to their posterity, until the last spot on the earth has found an owner. Such a time, however, is still in the distant future. The unoccupied regions of the New World, the interior of Africa and of Asia, are sufficient evidence of this assertion.

Of course, where the population increases greatly, ground will not long remain free. But fortunately, in

1 Ibid.
2 De finibus, l. 3, c. 20.
3 S. Theol. 2.2. q. 66. a. 2. ad 2um.

this world it is not necessary for success that everybody should be a land owner; least of all nowadays, when industry, commerce, trades, when the career of State officials, of scholars, of writers, and of artists, provide for so many a sufficient, or even an abundant living. Hence also the recognition of private property in land is not, as Mr. George interprets it, equivalent to the assertion that some have *a better right to exist* than others. "The equal right of all men to the use of land," he says, "is as clear as the equal right to breathe the air—it is a right proclaimed by the fact of their existence. For we cannot suppose that some men have a right to be in this world and others no right."[1]

All men indeed have the same right to exist. The richest and the most powerful have no better right to life than the poorest beggar. But this right implies nothing more than that every one's life is sacred and inviolable against every unjust attack. Moreover, it involves the power of taking possession, *in extreme necessity*, of whatever is needful for life, wherever it may be found. For in such a case the right of property, according to the intention of the Creator, must yield to the higher right which a man has to preserve his life. Finally, with the right of living is also granted to man the right of acquiring.

But from this equal right to live, it does not follow that all men should have the right to *the actual possession of the same means* of securing their existence. He who asserts the contrary, must consequently condemn not only property in land but property in

1 *Progress and Povcrty*. bk. VII, ch. I, p. 303 seq. Similarly in "The Land Question," p. 31. "If the new-born infant has an equal right to life, then it has an equal right to land."

general, or at least every inequality even in movables, and hence *every* difference between rich and poor. If it is true that he who calls himself the owner of a piece of ground thereby claims a better right to life, the very same is true of mill owners, of bankers, of business men. For industry, commerce and money are to-day no less a means of living than property in land. Now Mr. George does not want to attack existing private property in movables. Hence he has no right to condemn private property in land.

These considerations prove our *first* proposition, that labor cannot be the *original* title of ownership. Hence follows immediately the truth of our *second* statement, that labor cannot be the *sole* source of private property. Therefore the consequences which Mr. George attaches to the contrary assertion fall to the ground. But as he tries to prove by special arguments, that labor is the *sole* source of private property, let us examine his argumentation concerning this particular point. Here, however, we frequently find either a mere repetition of previous assertions, or else an unpardonable confusion of ideas. We meet an example immediately.

"The recognition," Mr. George writes, "of any other title (of ownership) is inconsistent with and destructive of this" title of labor.[1] This is a statement which we have had to deny repeatedly. "If a man be rightfully entitled to the produce of his labor, then no one can be rightfully entitled to the ownership of anything which is not the produce of his labor, or the labor of some one else from whom the right has passed to him."[2] This is but the same false assertion

1 Ibid. bk. VII. ch. I. p. 301.
2 Ibid. p. 302.

in another form. And he continues: "If production gives to the producer the right to exclusive possession and enjoyment, there can rightfully be no exclusive possession and enjoyment of anything not the production of labor"—the same assertion once more—"and the recognition of private property in land is a wrong. For the right to the produce of labor cannot be enjoyed without the right to the free use of the opportunities offered by nature, and to admit the right of property in these is to deny the right of property in the produce of labor."[1]

What would the reader say to the following reasoning: "The right of a carpenter to the tables he makes cannot exist without the right of freely felling the timber for their manufacture. Hence no one else can have a vested right to a forest"? The argument of Mr. George is just as incorrect. He evidently confounds the *right of the produce of labor* with the *right of producing*, that is, *of working*, which is by no means the same. Every one has the right of producing something for himself, *if* he succeeds in lawfully acquiring as his private property the material for his productive labor. He only who in working uses his own piece of wood or tills his own field, can call the produce of his labor his own. If he is not in the possession of any raw material, he must dispose of his labor to another, and then he has a right to wages. But in this case the produce of his labor belongs not to *him*, but to *the proprietor* of the material, who hired him.

Moreover, the author maintains: "When non-producers can claim as rent a portion of the wealth

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1 Ibid.

created by producers, the right of producers to the fruits of their labor is to that extent denied."[1]

Certainly, *when* this is the case; but this is never the case. And here we have another fundamental error in Mr. George's views. Our political economist supposes in the passage just mentioned what he elsewhere has tried to prove more at length, viz., that the whole produce gained from land by capital and labor is to be ascribed to these two factors only, because, according to him, *the soil does nothing more than afford the mere opportunity for a productive employment of capital and labor*. "Thus rent or land value," he says, "does not arise from the productiveness or utility of land. It in no wise represents any help or advantage given to production, but simply the power of securing a part of the results of production."[2]

This assertion, as we have already intimated, is an error fraught with consequences fatal to the whole theory of Mr. George. We admit that for a piece of ground to have an exchangeable value and yield rent, it is necessary that the country be peopled, and that there be no ground capable of cultivation still unoccupied. But supposing this condition fulfilled, it remains nevertheless true, that the productiveness, or utility of the soil is a decisive factor in the determination of its value and its rent. An estate on the Rhine or on the Meuse is much more valuable than one of the same extent in the Eifel or in the Hartz mountains. Why so? To know the reason, one need have made no deep studies in political economy. Any peasant might teach our economist that this fact arises from the greater productiveness of the land watered by the Rhine and

1 Ibid.
2 Ibid. bk. III. ch. II. p. 149.

the Meuse. With regard to other things, also, *e. g.*, clothes, food, tools, it is required as a previous condition for their marketable value, that there be persons who stand in need of them. But this being supposed, their value depends essentially on their usefulness.

Mr. George, then, as the last example shows, would, by his principle that labor is the sole title of ownership, be driven to call in question, in a great measure, even property in movables. For whence is it that a statue of marble or fine ebony is of greater value than one of fir? Partly, of course, because the cost of production, or labor, is greater in the case of one than of the other; but this is not all. Even if we suppose the very same labor expended on two statues, still that will be of greater value which has been made of more durable, choicer, and more beautiful material. Now, if labor is the only source of property, the artist has no right to the surplus, and must therefore restore it.

Again, suppose a diamond-seeker in South Africa or a gold-washer in California, so favored by fortune that, in a comparatively short time, he can return home with a handsome sum. Has either of these two men a right to consider his money the pure fruit of his labor? Besides, how is it that the one gets for two diamonds, which he found at the cost of the same amount of exertion, such unequal prices; receiving for one perhaps several thousand dollars, and for the other not one hundred? Can he consider the surplus as the fruit of his labor? Certainly not, according to the theory of our political economist.

A socialist, therefore, might well take a leaf out of Mr. George's book. Not only as regards the soil, but also with respect to all other things owing part of their value to nature (and to these how few are the ex-

ceptions?), he might emphatically exclaim: "Is not labor the only source of acquiring? Does nature discriminate, and destine her prizes for one man rather than for another?" This principle, then, of Mr. George's avails him nothing, unless he is prepared to throw himself into the arms of radical socialism.

But is it not a "fundamental law of nature that her enjoyment by man shall be consequent upon his exertion,"[1] and hence that labor shall be the *only* just source of acquisition? We beg leave to ask: Where is this law written? Shall children, the sick, and the feeble, have no share in nature's fruits? Mr. George would perhaps reply that the principle is true at least for all those who are able to work. We rejoin: If the principle is understood of *productive, value-creating labor*, as it must be understood in his argument, it is undoubtedly false.

The duty of working is, indeed, incumbent on all men. The privilege of doing nothing exists for nobody. He who does not work, shall not eat. But by work is not to be understood material work only which tends to the production of material goods. This needs no proof for those in whose mind religious and eternal interests have not yet given place to materialism. To a modern materialist, however, who has no eye except for chimneys and steam engines, the sublime figure of a John the Baptist, spending his life in praying, fasting, and preaching is an abomination, whereas a Francis Drake, or whoever it was to whom Europe owes the introduction of the potato, is a noble hero. And what has been said of religious work, holds good likewise of such scientific or artistic work as is of no consequence

1 Ibid. bk. VII. ch. I. p. 306.

in the production of material goods. The whole theory of Laplace has not advanced the cultivation of corn or potatoes a hair's breadth. Hence the mighty genius of the astronomer who devised it, would not have gained for him even a morsal of bread.

It is, therefore, altogether false that the fruits of the earth ought to benefit only productive labor. But still more false, if possible, is the principle that *the amount of a man's temporal possessions ought to depend on the amount of his labor, either productive or non-productive* —in other words, that every one ought to possess just as much as corresponds to his labor and hence that those who exert themselves equally should enjoy an equal share of the goods of this world. Such a principle demands an impossibility, and accordingly cannot be proclaimed as founded in natural right. Who, we ask, is to determine how much and how long everybody has worked, and how much each individual's labor is worth or can demand, in order that the distribution of products be just? The very impracticability of making labor the measure of the distribution of products contains one of the principle difficulties against Karl Marx's socialism. The attempt to distribute material goods according to the labor of the recipients, would lead to unceasing contention and discord.

Had Almighty God wished equality in earthly possessions, He would have pointed out some measure that all could appreciate and apply in practice. But He did not wish such equality among men, either in movables or in immovables, even if their exertions are equal. And this can be easily shown.

On their coming into existence, men are very differently endowed as regards their spiritual and

bodily faculties, powers, and dispositions. External conditions, too, of time, of place, of parents, of surroundings, are manifold. To one a careful education is given; he inherits from his parents or other relatives abundant means of subsistence; his character, his talents, his health and strength, smooth for him the path to success. With another, perhaps the very opposite is the case. Now, *even if we suppose the same activity in both*, which of the two will naturally acquire more of this world's riches? The latter, especially if he be the father of a numerous family, will perhaps be compelled to toil incessantly for his daily bread; and if sickness or other misfortune befall him, bitter want, with its saddest consequences, will be seen in his cottage. With the former, on the contrary, we find riches in abundance. The difference of their possessions is the *natural* result of these men's exertion, no less than each one's gain, large or scanty, is the *natural* result of his activity under the circumstances assigned by Divine Providence. As the poverty of the one is forced upon him, not by men, but by circumstances and obstacles beyond his control, so would the other remain on the common level of the working man, if he were indolently to neglect his God-given talents and opportunities of advancement.

From this we see (for the case just described is, in some degree, of daily occurrence) that the inequality of possessions among men is not in contradiction with the designs of the Creator. The reasons why the Almighty did not wish equality, but rather inequality of earthly possessions, will be pointed out in our closing chapter. The fact that such is the present order of Divine Providence is sufficient to disprove what Mr. George imagines to be "written broadly and clearly"

in "the laws of nature," viz. "the equal right of all men to the use and enjoyment of nature."[1]

To sum up, neither is the inequality of temporal possessions against "the decrees of the Creator" nor private property in land contrary to natural right. Both the one and the other are positively willed by the supreme Lord and Ruler of the universe.

Hence we are justified in taking Mr. Henry George at his word who writes on the opening page of the seventh book of "Progress and Poverty" as follows: "If private property in land be just, then is the remedy I propose a false one; if, on the contrary, private property in land be unjust, then is this remedy the true one."

We have demonstrated that private property in land is just. Consequently we must look for another remedy of our social miseries than that proposed by the author of "Progress and Poverty."

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1 Ibid. bk. VII. ch. I. p. 301 seq.

CHAPTER VII.

INEQUALITY OF POSSESSION AND DIVINE PROVIDENCE. THE KEY TO THE SOLUTION OF THE SOCIAL QUESTION.

We deem it not improbable that the *Irish Question* had much to do with the formation of Mr. George's theory. In Ireland we see a numerous, highly-gifted people, dwelling for centuries, almost like strangers and beggars, upon the fertile soil of their native land. Although the sons of Erin cling with tenacious affection to their green island, many thousands are every year driven by want to cross the ocean to America and Australia. And in the New World there follows them the cry which they have so often heard in their old home, and which in the shortest form expresses the chief source of their misery, as well as the remedy against it: "The land for the people."

But, whereas in Ireland this cry has a special meaning, founded in the history of the nation's sufferings, and signifies only that the soil of the green isle has, in great part, been unjustly taken away from the people and ought to be restored to them; it has in America—perhaps under socialistic influences—been given a totally different sense. In America it has received the general meaning that *every people* has, as a community, an exclusive right to the *entire land.* Hence it now no longer serves as the battle-cry against the English landlords in Ireland only; but it is used generally against *all* private land-owners.

Now it is in this enlarged sense that Mr. George has adopted the phrase in his publications. If, however, we seek for proofs for the assertion that the land of every country necessarily belongs to the people as a community, we find in our economist scarcely anything that even looks like an argument. He may, perhaps, in reply, point out to us the assertion that nature gave the earth to mankind in common. But from this it would follow that the *whole human race as such* is the owner of the *earth*, but not that some *particular people*, as the Irish, can call a *particular country*, *e. g.*, Ireland, their joint property. For no reasonable man will assert that nature herself immediately made the Irish the owners of their land. In that supposition, therefore, Ireland, as any other part of the world, would belong to *the whole human race*, but not exclusively to the Irish. I think the people of Ireland themselves would be the first to reject such a view.

Hence we must needs look for *an historical title* that made, *e. g.*, the Irish proprietors of the island from which they take their name. But the original historical title can be none other than *occupancy*. The Irish people did not grow out of the earth on a sudden. Undoubtedly, the primitive settlement of the island took place gradually by immigration and propagation. The first families, as soon as they had settled, took possession of a sufficient piece of land as their private property, and those who came after them did the same, until at length the entire island was peopled. We may reasonably suppose that the first occupation of other countries took place in the same manner as that of Ireland, except when whole tribes moved together into a strange land. An entire country was at no time—at least as a rule—the joint property of

the people, but always belonged to it in just about the same way as Germany now belongs to the German people. But by this nothing is gained for Mr. George's views on landed property.

Therefore we justly conclude that *private property in land* has the very same *natural basis* as *private property in general.* He who cries out against individual property in land as unjust, must necessarily raise his voice against *all* private property, and hence openly and frankly profess downright socialism. Whosoever does not wish this—and Mr. Henry George does not wish it—to him nothing is left but to acknowledge *individual ownership in land also* as *based on the natural law;*[1] and he must confess that a universal equality of possession, even in land, lies not in the designs of the Almighty.

In order to understand God's government of the world, we must not bury ourselves, mole-like, in the earth, but raise ourselves to a higher standpoint, and thence, as from a mountain top, survey humankind in the light of eternity.

This small planet whereon we live and suffer, and whence as from a little island we look out into the immense space of the universe, this small planet is the divinely appointed place of our pilgrimage and probation.

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1 Some writers thought they could refute Mr. George's Socialism in land by making the Civil Law the basis of private land ownership. But there is no escape from Socialism save on the principles of the natural right theory. What is established *only* by the Civil Law, may be abolished by the same. Hence, if the system of ownership existing in a country rests *only* on the legislation of that country, the legislative authority may again change and abolish it; the change made would be valid in any case, and if made from sufficient motives, it would be also licit. The Socialists, therefore, if they came into power, might with one ballot do away with the existing system of ownership. It is well known that such was exactly Mr. George's aim in forming his "Anti-Poverty Society."

Our short life here is the preparation for an everlasting, happy life hereafter, but for one which we must merit here below. Without this fundamental truth a thousand problems of our present life remain unsolved, but in its light the darkness is lit up, and things otherwise inexplicable stand out as parts of a grand and wise universal plan, bearing the impress of eternal wisdom and beneficence.

This same principle throws new light on the question in which we are engaged, viz., of the inequality of temporal possession. For carrying out God's purposes in our probation, for the practice of virtue, and hence for obtaining life eternal, the inequality of temporal goods is a means of paramount importance. By it *rich and poor* are *banded together* for mutual help in the fulfilment of the Divine intentions.

The *rich man* stands in need of the poor, not only on account of the many humble services which he cannot forego, but still more for higher, moral purposes. The poor, who, after all, are the rich man's brethren, tending towards the same eternal goal, are a perpetual reminder to him that temporal things are not the end of man, but only means to it, and that consequently he may strive after temporal goods only so far as not to lose the eternal. By their wants the poor admonish him that, according to God's intention, he ought to consider himself as a good steward, and succor the needy with his treasures. And thus poverty opens to the rich man the widest field for practising Christian virtue. Nay, for the practice of many virtues there would be no occasion at all without poverty. And is it not in that very field that the Christian virtues have at all times achieved their greatest triumphs? Only in the light of this truth

does it become intelligible why the Son of God in the description of the universal judgment assigns so prominent a place to the works of Christian mercy.

In a still greater measure the *poor man* stands in need of the rich. Not the least part of the hardships of poverty consists in the very fact that the needy must bow in humility before the rich, and stretch out their hands for mercy. Thus poverty is a constant, effectual, though trying, school of humility and self-denial. At the same time it detaches the heart from earthly things and directs the looks of the indigent, full of hope and confidence, to the superabundant goods of eternity. This is the intrinsic reason why temporal poverty becomes for so many a source of imperishable riches, and why Our Saviour said: "Blessed are ye poor, for yours is the Kingdom of God."[1] And why was it that the Eternal Son of God, being rich, became poor for our sake? Was it not to draw our hearts the more effectually to the hidden treasures of poverty?

Do we perhaps hereby plead for *pauperism?* By no means. *Excessive* poverty, misery, properly so called, is no less a source of moral corruption than is excessive wealth. It is, therefore, the task of a wise social polity, to provide that a moderate prosperity may be placed within the reach of as many as possible. Nevertheless it will ever remain true, "The poor you have always with you," and it is a foolish, because infeasible enterprise, to try completely to abolish poverty.

Undoubtedly the Creator might have disposed this globe of ours in such a manner as would have laid its

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2 Luke VI. 20.

goods, unsought and in abundance, at the feet of all men. And if our first parents had not fallen, the earth would have remained a stranger to want and misery. But however much we may regret Adam's fall, Paradise will not return. The Utopia which fascinates the fancy of youth, will forever remain a dream. The great bulk of mankind will always be compelled to gain their living, in a close struggle, as it were, with nature, and to eat their bread in the sweat of their brow. According to the once established plan of Divine Providence, there is only one road which leads from the darkness of this world up to the ever bright heights, and this is the road of self-denial and sacrifice, the Way of the Cross.

Whosoever, therefore, like Mr. Henry George, wants to make the great masses believe that he has found a sure means to transform this earth into an Elysium, offends against society at large, by fostering discontent with existing conditions, and against the indigent classes in particular, by misleading them with promises of things impossible.

But they also deceive both themselves and others, who to remedy our social distress, think only of a wise legislation concerning the material and merely intellectual features of society. Such legislation is wholesome and even necessary, yet it will never suffice. The chief source of human misery is moral disorder. Against moral disorder, therefore, the chief remedy must be directed. Man is a moral being, destined to a supernatural end, and with the steadfast prosecution of this supernatural end even the temporal welfare of human society is intimately bound up. Hence also the true reform must chiefly be a moral, and a supernatural one.

In a word: society must become Christian, thoroughly Christian in private and public life. This is the key to the solution of the social question. As long as those whose desire or duty it is to work towards a regeneration of mankind, do not direct their special attention and most earnest endeavors to the restoring of thorough and genuine Christianity in all classes of society, as long as they do not above all things foster religion and especially grant the Church that freedom which she can claim by her divine right to educate and elevate "all nations," so long all their efforts, however ingenious and laborious, will be of no, or of little avail. Society must return to Christ.

Enlightened writers and eminent men have in the strongest terms expressed their conviction to the same effect, and we cannot conclude our treatise better than by confirming with the authority of some of them where the solution of the social problem lies.

M. Le Play, who in his many travels during the space of thirty years had opportunity to study closely the life and condition of the working classes, and who has published his observations in two extensive works, has particularly insisted on the moral improvement of society. "The progress of wealth and of art," he writes in his *Organization of Labor*, "which so generally excite the highest admiration, administers much less to the prosperity of a people than the improvement of their moral condition. But when unaccompanied by the latter, they rapidly engender evil."[1]

To bring about the improvement of the working classes, the writer proposes "six essential customs," as he calls them, of which he says: "They emanate

1 *The Organization of Labor.* Amer. ed., Philadelphia, 1872, ch. I. § 10, p. 63.